

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 - - - - - X
4 UNITED STATES OF AMERICA : 13-CR-607 (JFB)
5 -against- : U.S. Courthouse
6 : Central Islip, New York
7 PHILLIP A. KENNER :
8 a/k/a "Philip A. Kenner",
9 and :
10 TOMMY C. CONSTANTINE :
11 a/k/a "Tommy C. Hormovitis"
12 Defendants :
13 : May 14, 2015
14 - - - - - X 9:30 a.m.

11 BEFORE:

12 HONORABLE JOSEPH F. BIANCO
13 United States District Judge
14 and a jury

15 APPEARANCES:

16 For the Government: KELLY T. CURRIE
17 Acting United States Attorney
18 Federal Plaza
19 Central Islip, New York 11722
20 BY: JAMES M. MISKIEWICZ
21 SARITHA KOMATIREDDY
22 Assistant U.S. Attorneys

23 For the Defendant: HALEY, WEINBLATT & CALCAGNI LLP
24 Phillip A. Kenner One Suffolk Square
25 1601 Veterans Memorial Highway
Suite 425
Islandia, New York 11749
BY: RICHARD HALEY

1 For the Defendant: LaRUSSO & CONWAY LLP
Tommy C. Constantine 300 Old Country Road
2 Suite 341
Mineola, New York 11501
3 BY: ROBERT P. LaRUSSO
and
4 ANDREW L. OLIVERAS
26 Strangford Court
5 Oceanside, New York 11572
6

7 Court Reporter: RONALD E. TOLKIN, RPR, RMR, CRR
100 Federal Plaza
8 Central Islip, New York 11722
631-712-6105
9 ronald_tolkin@nyed.uscourts.gov

10 ***
11

12 (Time noted: 9:55 a.m.)

13 THE CLERK: All rise.

14 THE COURT: Please be seated.

15 THE CLERK: Calling case 13-CR-607, United States
16 versus Kenner and Constantine.

17 Counsel, please state your appearance for the
18 record.

19 MR. MISKIEWICZ: Good morning, Your Honor.

20 James Miskiewicz for the United States.

21 THE COURT: Good morning.

22 MS. KOMATIREDDY: Good morning, Your Honor.

23 Saritha Komatireddy for the United States.

24 THE COURT: Good morning.

25 MR. HALEY: Good morning, Your Honor.

1 Richard Haley for Mr. Kenner.

2 THE COURT: Good morning.

3 MR. LaRUSSO: Good morning, Your Honor.

4 Robert LaRusso for Mr. Constantine.

5 THE COURT: Good morning.

6 MR. OLIVERAS: Good morning, Your Honor.

7 Andrew Oliveras for Mr. Constantine.

8 MR. LaRUSSO: May I ask your permission, may I have
9 a brief side-bar with counsel on an issue?

10 THE COURT: Sure.

11 (Whereupon a side-bar conference was conducted.)

12 (Matter continued on the next page.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1183

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 (Sidebar conference conducted.)

2 THE COURT: This part can be public.

3 One of the alternates apparently has a stomach
4 virus. He's okay, but --

5 MR. LaRUSSO: He's not going to come near me today,
6 is he, Judge?

7 MR. MISKIEWICZ: I will.

8 THE COURT: But hopefully he'll be fine.

9 I also have to do the naturalization ceremony this
10 morning. It takes about 25 minutes. So we may have to break
11 around 10:45.

12 MR. LaRUSSO: Thank you, Your Honor.

13 (Whereupon the side-bar conference was concluded.)

14 (Matter continued on the next page.)

15

16

17

18

19

20

21

22

23

24

25

1 (Matter continued in Open Court.)

2 THE COURT: We will get the jury. Mr. Kaiser can
3 retake the witness stand.

4 (Witness John Kaiser resumes the stand.)

5 THE CLERK: All rise.

6 (Whereupon the jury enters the courtroom.)

7 THE COURT: You may be seated.

8 Good morning, members of the jury.

9 ALL JURORS: Good morning.

10 THE COURT: We're ready to continue with
11 Mr. Kaiser's cross-examination. As you will recall,
12 Mr. LaRusso is about to begin. That's where we'll start. I
13 do have to do the naturalization ceremony this morning. It's
14 an exciting event. So they're going to tell me when that's
15 ready. It's usually ready about 10:30. It takes about 20
16 minutes. We'll take our break early and then go to lunch.
17 Let's proceed. Mr. Kaiser, you're still under oath.
18 You understand?

19 THE WITNESS: Yes.

20 J O H N K A I S E R,
21 called as a witness, having been previously duly
22 sworn, was examined and testified as follows:

23 THE COURT: You may commence.

24 MR. LaRUSSO: Thank you, Your Honor.
25

J. KAISER-CROSS-LaRUSSO

1186

1 CROSS EXAMINATION

2 BY MR. LaRUSSO:

3 Q Good morning, Mr. Kaiser.

4 A Good morning.

5 Q Mr. Kaiser, I'd like to direct your attention to the
6 Hawaiian investment you testified to. Particularly, during
7 the period about 2004 up to the Lehman loan, which I believe
8 you testified was August of 2006, is that correct?

9 A That's correct.

10 Q Were you or any other members affiliated with the
11 Hawaiian project looking for funding for the development of
12 the land?

13 A No, not me. I wasn't. That's not what I was doing.

14 Q Who was affiliated with the project that was looking for
15 funding during that period of time?

16 A That is Mr. Kenner.

17 Q Was Mr. Kenner, to your knowledge, utilizing other
18 individuals to help him find funding for the Hawaiian project?

19 A I believe so.

20 Q Do you know -- again, during this time period --
21 approximately how much money you and your partners or
22 associates were trying to raise in order to develop the
23 Hawaiian project that you were involved in?

24 A No, I don't.

25 Q Would 15 to \$20 million be within the range that you

J. KAISER-CROSS-LaRUSSO

1187

1 remember being what was sought for to develop the project?

2 A No. That wouldn't -- certainly wouldn't be enough to
3 build the project.

4 Q Would that particular amount of money, 15 to 20 million,
5 possibly fall within the range of funds needed to purchase or
6 complete the purchase of the property that was part of the
7 Hawaiian project?

8 A Yes, I believe so.

9 Q Now, looking back at that time frame -- I guess I can ask
10 the obvious, Mr. Kaiser. Without that funding, you would not
11 be able to develop the property, is that correct?

12 A Without which funding?

13 Q The funding needed to do the development that Mr. Kenner
14 was spearheading for the project?

15 A Just repeat that question, please.

16 Q Obviously -- I think it's obvious. If it doesn't turn
17 out to be, I apologize. In order to realize your dream, in
18 order to do the development, you needed the funding. That was
19 necessary. You had to do the funding, is that correct?

20 A Yes. To purchase the remaining parcels, yes.

21 Q After purchasing the remaining parcels, then to fund the
22 actual development itself?

23 A Yes.

24 Q Now, between 2003, I believe is when you testified that
25 you first met Mr. Kenner, particularly up until the Lehman

J. KAISER-CROSS-LaRUSSO

1188

1 loan in August of 2006, were you aware of any particular
2 individuals engaged or hired to find funding for the Hawaiian
3 project other than Mr. Kenner?

4 A No.

5 Q Do you remember a man by the name of Donnie Rae, R-A-E?

6 A Yes, I know who he is.

7 Q Who is he? Tell us who he is.

8 A He's a hockey player, I believe. He played in Europe.

9 Q I'm sorry. If I interrupt you, please tell me because
10 you have a right to finish your answer.

11 A No, that was it.

12 Q At the time that money was being sought for the Hawaiian
13 project, was he a hockey player?

14 A I have no idea. I met Donne Rae in 2008.

15 Q During this particular period of time, do you know
16 whether he was actually engaged in try and find funding for
17 the Hawaiian project?

18 A No. I never heard of him until 2008.

19 Q After meeting Mr. Rae, did you come to learn that he, in
20 fact, performed services in trying to secure funding for the
21 Hawaiian project?

22 A No. He was a mattress salesman.

23 Q Well, do you know that he received \$550,000 for
24 consulting fees trying to find funding for the Hawaiian
25 project?

J. KAISER-CROSS-LaRUSSO

1189

1 A No.

2 Q Hopefully it will save me a couple of steps. What I did
3 was put a few documents next to you. I believe one of them is
4 marked for identification as JK-1. That was the document that
5 you spoke yesterday about in your examination by Mr. Haley.
6 Take a look at it, just make sure we're talking about the same
7 document.

8 A Yes, it looks like the one I was looking at yesterday.

9 Q Well, just turn to page 4. Again, if you need to hook at
10 any of the pages both before or after the page that I
11 reference you to, please feel free to do so.

12 I'll direct your attention down about two-thirds of
13 the way. Do you remember back around October of 2010 meeting
14 with the FBI and providing information to them?

15 A I answered some questions.

16 Q Particularly, to Agent Galioto, and I believe the other
17 gentleman was Scott Romanowski. If I pronounce the name
18 correctly.

19 A Yes.

20 Q Do you remember telling them in an interview around 2010
21 that Donnie Rae, ex-hockey player, lives in Arizona bringing
22 investors into Hawaii? Do you remember telling those two
23 agents that in or around October of 2010?

24 A No.

25 Q Does this document that I showed you, page 4, refresh

J. KAISER-CROSS-LaRUSSO

1190

1 your recollection, Mr. Kaiser, with regard to what you told
2 the agents about Donnie Rae and his involvement in the
3 Hawaiian project?

4 A No.

5 Q Well, Mr. Kaiser, you were a police officer for about
6 15 years, is that correct?

7 A 18.

8 Q Thank you.

9 And during that period of time, I assume you
10 interviewed a lot of witnesses.

11 A That's correct.

12 Q When you interview a witness, you make notes, is that
13 correct, on occasion?

14 A On occasion.

15 Q The reason for taking the notes is to record important
16 information coming from those witnesses, is that correct?

17 A Yes.

18 Q The reason you record that information, because it's
19 important, you may have to, at some future time, testify about
20 it or put it in a report, is that correct?

21 A Yes.

22 Q So you rely upon on your notes, when you interview a
23 witness, for future proceedings, is that accurate?

24 A That would be accurate.

25 Q Looking at this document, looking at page 4, does that

J. KAISER-CROSS-LaRUSSO

1191

1 refresh your recollection that you told the agents that Donnie
2 Rae was one of the individuals who was trying to bring money
3 into the Hawaiian project?

4 A No.

5 Q Do you know an individual by the name of Robert Gaudet,
6 G-A-U-D-E-T?

7 A Yes.

8 Q Can you tell me -- or tell us, please, how you know him,
9 and what you know about him?

10 A I met him through Mr. Kenner. And Rob Gaudet is a golf
11 pro.

12 Q Approximately, when did you meet him?

13 A I believe in -- somewhere between '06, '07.

14 Q Was he a golf pro here in the United States or golf pro
15 in Mexico?

16 A I believe he was a golf pro in Mexico.

17 Q Did Mr. Gaudet have any other occupation or any other
18 employment around the time that you met him?

19 A At the time that I met him he was a golf pro, and he was
20 working with Diamanté.

21 Q When you say he was working for Diamanté, I assume in his
22 capacity as a golf pro?

23 A Yes, he's a golf pro. But there was no golf course at
24 the time.

25 Q Well, Mr. Kaiser, do you remember or do you know that

J. KAISER-CROSS-LaRUSSO

1192

1 Mr. Gaudet was, likewise, engaged to find funding for the
2 Hawaiian project?

3 A No.

4 Q Did you ever learn that, in fact, he was paid for his
5 services to find funding for the Hawaiian project?

6 A I learned that in 2011.

7 Q Would it be fair to say that you also learned that he
8 received approximately \$840,000 to try and find funding for
9 the Hawaiian project? Is that correct?

10 A No, that's not correct. I'm not aware of that.

11 Q Am I overstating the amount or overstating the amount?

12 A I believe you're overstating the amount that I'm aware
13 of.

14 Q But you did come to learn that he was retained and
15 engaged to find funding for the Hawaiian project, is that
16 correct, and he was paid a sum of money?

17 A I saw a -- in 2011, I saw another phony agreement,
18 consulting agreement.

19 Q Who showed you this so-called phony agreement?

20 A I believe it was in some of the documents that Mr. Kenner
21 sent to my house.

22 Q That was never presented during your direct examination,
23 was it, Mr. Kaiser?

24 MR. MISKIEWICZ: Objection.

25 THE COURT: Sustained.

J. KAISER-CROSS-LaRUSSO

1193

1 Q Let me ask you, did you ever tell the agents, in that
2 same interview around October of 2010, that Mr. Gaudet was
3 getting paid or getting money from the Hawaiian project?

4 A No, because I didn't know that.

5 Q So it's your testimony that you met with the agents in
6 October of 2010 and you never told them that Robert Gaudet was
7 getting money for finding funding for the Hawaiian project.
8 Is that your testimony?

9 A Yes.

10 Q Would it refresh your recollection, take a look again at
11 JK-1 for identification.

12 MR. HALEY: Your Honor, for purposes of the record,
13 that was introduced as Kenner Exhibit 43, just so we're not
14 confusing.

15 THE COURT: I don't think this document's been
16 introduced into evidence.

17 MR. HALEY: No, it hasn't. Just for identification,
18 Judge. I apologize if I said in evidence. It's only for
19 identification purposes.

20 THE COURT: Thank you, Mr. Haley.

21 Q Mr. Kaiser, if you take a look at page 5, I'll direct
22 your attention to the middle of the page. And if you would
23 review with me the middle to about two-thirds of the way down,
24 I'll ask you a series of questions after you've had a chance
25 to look at it.

J. KAISER-CROSS-LaRUSSO

1194

1 Do you recognize that? Before that, did you have a
2 chance to review it?

3 A Yes. I don't recognize it, though.

4 Q Does that refresh your recollection that in your meeting
5 with Agent Galioto and Agent Romanowksi, you told them that
6 you met Robert Gaudet, golf pro, and that he tried to get
7 money for Hawaii?

8 A No. Again, I'm going to say it one more time. I can't
9 verify this. I don't know where these notes came from. So
10 this is the first time I'm seeing them. I didn't sit with
11 agents and go through notes. And they weren't writing down
12 when we were talking. So...

13 Q Mr. Kaiser, I know that's what your present position is.
14 But the question is, looking at that document, and the
15 portions that I asked you to review, does it refresh your
16 recollection whether you told the agents that? That's the
17 only question. If you can say it does, it does, fine, and
18 tell me what it does to refresh your recollection. If it
19 doesn't, tell me it doesn't.

20 A No, it doesn't.

21 Q Thank you.

22 Does the document help refresh your recollection
23 that Mr. Gaudet was one of several individuals that was hired
24 and engaged to find funding for the Hawaiian project?

25 A No.

J. KAISER-CROSS-LaRUSSO

1195

1 Q Did you come to learn later that Mr. Gaudet got \$840,000
2 for trying to find funding?

3 A No.

4 Q Do you know a man by the name of Tim Garner?

5 A Yes.

6 Q Who is Mr. Garner?

7 A He was introduced to me by Mr. Peca; a friend of his.

8 Q At the time the funding was being sought for the Hawaiian
9 project, did you know that he was engaged to find funding for
10 the Hawaiian project?

11 A Repeat the question.

12 Q During the period of 2004 up until the Lehman loan, did
13 you learn that he, likewise, was engaged to find funding for
14 the Hawaiian project?

15 A No.

16 Q What was Mr. Garner's occupation at the time you first
17 met him?

18 A I believe he was working for a trucking company or
19 something.

20 Q What capacity was he working for a trucking company?

21 A I believe he was driving a truck.

22 Q Do you know, as you sit here today, whether he was paid
23 for attempting to find funding for the Hawaiian project?

24 A Yes.

25 Q Would it be fair to say that he received approximately

1 \$60,000?

2 A No. I don't know what he received.

3 Q You know he was paid?

4 A I know he was paid something.

5 Q Do you know a man by the name of Nick James?

6 A Yes.

7 Q Who is he?

8 A He was -- he lives in California. He is a friend of -- I
9 met him through Mr. Kenner.

10 Q Approximately, when?

11 A In 2007.

12 Q Do you know, after meeting with Mr. Nick James, whether
13 or not he was engaged or hired to find funding for the
14 Hawaiian project?

15 A No.

16 Q Did you ever come to learn that he received \$221,000 to
17 find funding for the Hawaiian project?

18 A No.

19 Q Do you know a person by the name of Richard Salgato?

20 A NO.

21 Q S-A-L-G-A-T-0?

22 A No.

23 Q Again, I ask the obvious, that if you don't know, you
24 would not have any -- do you have any -- withdraw that.

25 Do you have any information in regards to an

J. KAISER-CROSS-LaRUSSO

1197

1 individual by the name of Richard Salgato who may have been
2 involve in trying to find funding for the Hawaiian project?

3 A No.

4 Q Was there ever anyone affiliated with the Hawaiian
5 project that was a retired pro footballer selling insurance?
6 Does that refresh your recollection?

7 A No.

8 Q So it's your testimony that there were a number of -- a
9 couple of people that may have been paid to find funding, is
10 that correct?

11 MR. MISKIEWICZ: Objection to form.

12 MR. LaRUSSO: I'll withdraw that, Judge.

13 Q As you sit here today, do you know how much money was
14 paid to the individuals that you identified in your earlier
15 testimony, or any other individuals -- I'll withdraw the
16 question.

17 Do you remember telling the agents back in October
18 of 2010, that Timothy Garner, one of the names we just talked
19 about, was trying to find funding for the Hawaiian project?

20 A No.

21 Q You paused for a second. Is it possible?

22 A No. I heard he was trying to find funding for Mexico.

23 Q Now, in addition to these individuals -- I'll withdraw
24 that.

25 You told us that you have a close friend, and if I

1 can use the word "partner," and you can agree with it, in the
2 Hawaiian project by the name Chris Manfredi, is that correct?

3 A Yes.

4 Q Mr. Manfredi was -- withdrawn.

5 I used the word "partner." He was a partner with
6 you and others in the development of the Hawaiian project, is
7 that correct?

8 A That's correct.

9 Q Just for the record, how much did he invest in the
10 Hawaiian project, do you know?

11 A I don't know. Whatever he did, he invested in '02 to
12 '03. I don't know what that came out to be.

13 Q Did you ever ask him?

14 A No.

15 Q As you testified today, he invested, you believe, some
16 money into the project, is that right?

17 A Yes.

18 Q You seem to hesitate. I'm sorry, I'm just trying to
19 clarify what your knowledge of Mr. Manfredi's investment in
20 the Hawaiian project and what you know.

21 A Like I said, I don't know the amount. I believe he
22 invested some of his own money in the beginning of the
23 Hawaiian project.

24 Q Before you met Mr. Kenner?

25 A Yes.

J. KAISER-CROSS-LaRUSSO

1199

1 Q Would that be the extent of his investment, as far as you
2 can recall, or you just don't know?

3 A I just don't know.

4 Q He could have invested more money. You're not aware of
5 it as you're testifying to it today?

6 A Yes, that I'm aware.

7 Q What role did Mr. Manfredi play in the development of the
8 Hawaiian project during the period 2004 through 2000- -- I
9 guess up until the Lehman loan. I'm sorry. Bad question.

10 He was involved early on, and I believe you
11 testified sometime around 2002 he became involved in it?

12 A That's correct.

13 Q So sometime between 2002 up until the Lehman loan, can
14 you tell us what role he played in the actual development of
15 the Hawaiian project?

16 A From what year?

17 Q From the time you and he first became involved until the
18 Lehman loan in August of 2006.

19 A Starting from 2002, again, we were just seeing if the
20 property was viable; he and I were doing that together. And
21 then as far as dealing with potential lenders, he would do the
22 outlines, he would do the spreadsheets, the performers on the
23 various different parcels. And he'd be pretty much collecting
24 all the data to actually secure funding for the loan.

25 Q Did Mr. Manfredi have a title, as you know?

J. KAISER-CROSS-LaRUSSO

1200

1 A I don't know what his title was. I didn't call him
2 anything.

3 Q Do you know the acronym COO?

4 A Yes.

5 Q Would that fairly describe his role in the Hawaiian
6 project; meaning chief operating officer?

7 A I don't know if it would correctly depict him at that
8 time, no.

9 Q It would be a high ranking or a higher position than just
10 an employee, correct?

11 A Yes.

12 Q He was in management, correct?

13 A That's right.

14 Q You said, I believe, that Mr. Manfredi was involved in
15 trying to secure funding, is that correct?

16 A No, I didn't say that.

17 Q I thought I heard the word "funding." Just explain it to
18 me.

19 A He was collecting all the data and working on performers,
20 and he would give that to Mr. Kenner, who was trying to secure
21 the funding.

22 Q You mentioned Mr. Manfredi was collecting information
23 necessary to try to secure the funding, is that correct?

24 A Yes, I believe so.

25 Q You were aware of his activities, is that right?

J. KAISER-CROSS-LaRUSSO

1201

1 A What do you mean by that?

2 Q In regards to collecting the information and providing it
3 to Mr. Kenner so that he could secure the funding, is that
4 right?

5 A Yes.

6 Q Would it be fair to say that during this time period, you
7 had a very close working relationship with Mr. Manfredi?

8 A Yes.

9 Q You spoke with him on a weekly and monthly basis
10 discussing the Hawaiian project?

11 A Yes, I would say so.

12 Q You would call him. He would call you. He would e-mail
13 you. You would e-mail him. Just kind of giving each other an
14 update on the status of the Hawaiian project. Is that fair?

15 A No. I wasn't in on the e-mail.

16 Q You picked up the phone and talked to him man-to-man,
17 face-to-face -- person-to-person?

18 A That is correct.

19 Q How often would you do that to get information on the
20 Hawaiian project?

21 A It depends what time period we're talking about.

22 Q Well, do you remember any conversations or were you ever
23 told that Mr. Manfredi was actually working trying to secure
24 the funding at one point for the Hawaiian project?

25 A No. Like I said, he was creating all the data and the

J. KAISER-CROSS-LaRUSSO

1202

1 backup and support so it would make a lender...

2 Q Would it refresh your recollection to know that
3 Mr. Manfredi was in contact with Mr. Tommy Constantine trying
4 to find funding for the Hawaiian project?

5 MR. MISKIEWICZ: Objection.

6 THE COURT: Sustained as to form.

7 Q Did there come a time, Mr. Kaiser, that you learned that
8 Mr. Constantine was trying to secure funding and had been in
9 touch with your partner, Mr. Manfredi?

10 MR. MISKIEWICZ: Objection. Withdrawn.

11 A No.

12 THE COURT: They just told me the naturalization is
13 ready. We'll reconvene at 10:50. Don't discuss the case.
14 I'll see you at 10:50.

15 (Whereupon a recess was taken at 10:25 a.m.)

16 (Matter continued on the next page.)

17

18

19

20

21

22

23

24

25

J. KAISER-CROSS-LaRUSSO

1203

1 THE COURT: Are you ready to go?

2 MR. LaRUSSO: Yes, Your Honor.

3 THE COURT: Mr. Constantine, Mr. LaRusso mentioned
4 you're not feeling great today. At any point you need a
5 break, let me know.

6 MR. CONSTANTINE: I appreciate that, Your Honor.

7 THE COURT: Let's bring in the jury.

8 Please get Mr. Kaiser.

9 (Witness Mr. Kaiser resumes the witness stand.)

10 (Whereupon the jury enters the courtroom at 11:00
11 a.m.)

12 THE CLERK: All rise.

13 THE COURT: You can be seated.

14 All right. I appreciate your patience. We are
15 ready to continue.

16 Mr. LaRusso.

17 CONTINUED CROSS EXAMINATION

18 BY MR. LaRUSSO:

19 Q Mr. Kaiser, I believe we were talking about Mr. Manfredi
20 and his role in trying to find funding for the Hawaiian
21 project. You told us, I believe -- and I'm sorry for
22 repeating, I'm just trying to get a point of reference -- he
23 was working with Mr. Kenner, providing information for
24 Mr. Kenner, is that correct?

25 A Yes.

J. KAISER-CROSS-LaRUSSO

1204

1 Q If I mispronounce, please correct me. Part of the
2 Hawaiian project included a location Waikapuna?

3 A Yes.

4 Q Is that the correct pronunciation?

5 A Yes.

6 Q Just so that we can identify it properly. I believe
7 yesterday Mr. Kenner's Exhibit 36 in evidence showed a number
8 of identified locations in that exhibit, is that correct?

9 A Yes.

10 Q One of them is the Waikapuna area on this island, is that
11 correct?

12 A That's correct.

13 Q Waikapuna is one of four areas that we can properly call
14 the Hawaiian project?

15 A Correct.

16 Q Do you remember during the period of 2004 up until the
17 Lehman loan in 2006, if your partner, Mr. Manfredi, was
18 involved in negotiating and discussing funding from a company
19 called Investors Mortgage of Arizona?

20 A No.

21 Q Have you heard of that name before?

22 A No.

23 Q Have you ever, during that same time period, heard that
24 there was a company looking to fund for the Waikapuna project
25 approximately \$15 million?

J. KAISER-CROSS-LaRUSSO

1205

1 A No.

2 Q Then we can logically conclude that you don't recall
3 having a conversation with Mr. Manfredi with a company seeking
4 to fund that project for 15 million?

5 A That's correct.

6 Q Let me show you what has been marked C-58. Will you take
7 a look at that.

8 MR. LaRUSSO: May I, Your Honor?

9 THE COURT: Yes.

10 (Hanging.)

11 Q This is a refreshing document. I'm just going to ask you
12 some questions and see if this document refreshes your
13 recollection regarding what you may have known about the
14 funding on this particular Waikapuna project.

15 A No. I'm not on this e-mail.

16 Q In looking at this, my question is, does it refresh your
17 recollection at all that in November of 2005 your partner was
18 engaged with Mr. Constantine in trying to secure funding from
19 a company called Investors Mortgage of Arizona for \$15 million
20 for the Waikapuna project?

21 A No.

22 Q You were in touch with Mr. Manfredi on a regular basis,
23 is that correct?

24 MR. MISKIEWICZ: Object.

25 THE COURT: Asked and answered. Sustained.

J. KAISER-CROSS-LaRUSSO

1206

1 Q Now, point of reference, I think you testified, and I'm
2 pretty sure you testified that the Lehman loan occurred in
3 August 2006 and it entailed the funding agreement for about
4 \$105 million, is that correct?

5 A That's correct.

6 Q I believe that you also testified that there was a payout
7 somewhere in the neighborhood of 14 to 16 million?

8 A Yes.

9 Q And from that, you received a portion of the money.
10 We'll get into that later?

11 Correct, that occurred August of 2006?

12 A Yes.

13 Q Before the Lehman loan, before August of 2006, other than
14 your testimony about your records on the project with
15 Mr. Manfredi --

16 MR. MISKIEWICZ: Objection.

17 Q -- was there any other funding secured --

18 MR. LaRUSSO: I'll finish the question, Judge.

19 Q Was there any other funding secured before the Lehman
20 loan that helped the Hawaiian project?

21 THE COURT: Overruled.

22 A I don't recall that in this time period.

23 Q Was there actually a closing for the Waikapuna project?

24 A I believe the closing of Waikapuna happened in...

25 Q You're not sure?

J. KAISER-CROSS-LaRUSSO

1207

1 A This was a difficult time in my life. When you show me
2 the statements, I wasn't in communication with the events.

3 Q In terms of the events, there was a closing for
4 Waikapuna, is that correct?

5 A I believe that it closed.

6 Q When I say "the Waikapuna closing," it was for the
7 purchase of the property, is that correct?

8 A Repeat the question, please.

9 Q The closing for Waikapuna was for the purchase of the
10 property, is that correct?

11 A I believe Waikapuna closed at the Lehman closing in
12 August of '06.

13 Q Would it refresh your recollection that it occurred
14 October 14, 2005?

15 A If you're saying that's what it is.

16 Q So you don't dispute it might have occurred at an earlier
17 date. You don't recall. Is that a fair statement?

18 A You can say that, yes.

19 Q We can agree, can we not, that there was a closing and
20 the property was secured for the Hawaiian project? Not giving
21 you a time frame, but you bought the property?

22 A Yes.

23 Q Where did the funding come from to buy the property?

24 A You asked if I knew where the funding came from...

25 Q To buy the Waikapuna property.

J. KAISER-CROSS-LaRUSSO

1208

1 A At the time?

2 Q At the time.

3 A At the time, I believe someone was coming from the
4 funding that I had sent, the loan.

5 Q You're not sure of that, is that correct?

6 A That's correct.

7 Q Would you agree with me that the funding for the
8 Waikapuna project was necessary in order to secure the
9 property?

10 A No, I don't know that for a fact.

11 Q Do you know how much was put up as earnest money for a
12 deposit for the purchase of the property at Waikapuna?

13 A No.

14 Q Do you recall a million dollars being deposited to buy
15 that piece of property?

16 A No.

17 Q Do you have any recollection that funding was necessary
18 to save that million deposit so that the property could be
19 purchased for the Hawaiian project?

20 MR. MISKIEWICZ: Objection.

21 THE COURT: Sustained.

22 Q Are you aware, as you are testifying here today, that, in
23 fact, the funding for the Waikapuna closing came from
24 Mr. Constantine and a friend of his by the name of Mr. Grdina?

25 A As I sit here today, yes.

J. KAISER-CROSS-LaRUSSO

1209

1 Q Would it be fair to say that Mr. Grdina put up
2 approximately \$3.5 million to be able to secure the purchase
3 of the Waikapuna property?

4 A I don't recall that amount.

5 Q Well, looking at JK-1 that we were discussing earlier,
6 it's off to your left. Page 5, take a look at it. Just above
7 the middle portion. Actually, if I may, it's the second
8 bracketed area. Please read that to yourself.

9 A Yes.

10 Q Now, do you remember, in talking to the agent in 2010, in
11 October, telling them that the money for the Waikapuna closing
12 came from a friend of Tommy Constantine to the tune of
13 \$4 million?

14 A Yes. I probably said something like that.

15 Q So it does refresh your recollection that you told the
16 agents that funding came from a friend of Tommy Constantine,
17 is that correct?

18 A Yes. That's what I knew in 2010, that's correct.

19 Q By the way, and I know you looked at that same portion of
20 the JK-1, did you also tell the agents that Mr. Constantine
21 was trying to fund money for Hawaii with his own funds? Do
22 you remember telling them that?

23 A No.

24 Q If you look at that document, the same section you just
25 reviewed, does it refresh your recollection that that's what

J. KAISER-CROSS-LaRUSSO

1210

1 you told the agents, that Mr. Constantine was trying to fund
2 money for Hawaii with his own funds? Does it refresh your
3 recollection?

4 A No.

5 Q Mr. Kaiser, I would just like to talk about the
6 information that occurred around the time of the Lehman
7 closing, which I believe is August of 2006.

8 By the time that the Lehman closing occurred, how
9 much had you actually invested in the Hawaiian project?

10 A Well, if you go back to my -- the initial funds that I
11 sent were among them.

12 Q What was the amount?

13 A \$1 million.

14 Q If I recall your testimony, correct me if I'm wrong, that
15 you had given that to Mr. Kenner, is that correct?

16 A No, I didn't say that.

17 Q In regards to your funding in Hawaii, what did you say?

18 A That Mr. Kenner instructed me to wire it to a bank
19 account.

20 Q How much were you supposed to wire?

21 A \$1 million.

22 Q What was the deal?

23 A For 30 days.

24 Q You were supposed to receive 10 percent?

25 A Correct.

J. KAISER-CROSS-LaRUSSO

1211

1 Q Is it possible it wasn't a 30-day loan, it might have
2 been a little longer?

3 A No.

4 Q Because you testified, if I'm not mistaken, that after
5 the 32nd day, two days after the money was due, you got on the
6 phone and called Mr. Kenner and asked him what is going on, is
7 that correct?

8 A I believe I said a few days after.

9 Q Two or three days?

10 A Something like that.

11 Q You weren't very pleasant in that conversation, is that
12 correct?

13 MR. MISKIEWICZ: Objection.

14 THE COURT: Overruled.

15 MR. LaRUSSO: I'll withdraw that, Judge. I'm sorry.

16 Q Mr. Kaiser, is it possible that it might have been a 30
17 to 60-day loan and not a 30-day loan?

18 A No.

19 Q Is it possible you didn't call him a few days after 30
20 days, it might have been after 60 days?

21 A No.

22 Q You testified that it was for 10 percent, is that
23 correct?

24 A I believe it was between eight and 10 percent, yes.

25 Q So it might not have been ten. You're now thinking back,

J. KAISER-CROSS-LaRUSSO

1212

1 it could have been 8 percent, is that correct?

2 A I believe I said between eight and 10 percent.

3 Q Mr. Kaiser, please take a look, I believe it's to the
4 left of you, it's called JK-3.

5 MR. MISKIEWICZ: Objection.

6 MR. LaRUSSO: Refreshing his recollection, Judge.

7 MR. MISKIEWICZ: He didn't say he needs his
8 recollection refreshed.

9 THE COURT: Sustained.

10 Q Take a look at JK-3. Mr. Kaiser, is it possible that you
11 are mistaken as to the 30-day loan?

12 A No.

13 Q Mr. Kaiser, do you remember being interviewed about --
14 not about, on September 4th, 2013, by Agent Galioto?

15 A I don't recall the date, but I was interviewed.

16 Q Do you recall at or about the time frame that I
17 mentioned, that you told Mr. Galioto that the loan that was
18 needed -- that Mr. Kenner told you he needed, was a 30 to
19 60-day bridge loan. Do you remember telling him that?

20 A No. I believe I told him 30 days.

21 Q So if the agent recorded 30 to 60, he would be mistaken,
22 is that correct?

23 MR. MISKIEWICZ: Objection.

24 THE COURT: Sustained.

25 Q Mr. Kaiser, do you recall telling the agent at anytime

J. KAISER-CROSS-LaRUSSO

1213

1 during that interview around September of 2013, that after
2 more than 90 days had passed, Kenner did not repay the
3 \$1 million and your friends and family started to get antsy?
4 Do you remember telling them that?

5 A We talked about the loan. I don't remember exactly what
6 I said.

7 Q Well, is it possible that when you talked to Mr. Galioto
8 you told him that it was 60 -- I'm sorry -- 90 days and not 30
9 when you began to get information -- withdrawn. That you then
10 contacted Mr. Kenner?

11 MR. MISKIEWICZ: Objection.

12 THE COURT: That's okay. He can answer that.

13 A No.

14 Q It does not refresh your recollection?

15 A No, it does not.

16 Q It does not refresh your recollection it was 90 days when
17 you called Mr. Kenner and asked about the money that you
18 invested?

19 MR. MISKIEWICZ: Objection.

20 THE COURT: Now I will sustain the objection.

21 Q By the way, this million dollars, I believe that you
22 testified that some of it was also yours, is that correct?

23 A That's correct.

24 Q You testified that your contribution to the \$1 million
25 was \$180,000.

J. KAISER-CROSS-LaRUSSO

1214

1 A Somewhere around there, correct.

2 Q Who gave you the remainder of the money, and how much?

3 A I believe that I testified it was family members and
4 friends.

5 Q Which family members and friends?

6 A My mother, my brother Keith, Bob Rizzi, Vincent
7 Tesoriero, who sent his own funds in. A friend of his name
8 James, James Cody.

9 Q I'm sorry. I missed the last name.

10 A I believe his name is James Cody.

11 Q Anyone else that you can recall?

12 A No.

13 Q The monies that you received and transmitted to
14 Mr. Kenner, was that something that you did by way of a wire
15 transfer?

16 A No.

17 Q How did the money get to Mr. Kenner?

18 A I believe Vincent and James sent their own wires to them.

19 Q To what company?

20 A To Kau Holding Company.

21 Q Other than those two, how did the rest of the money get
22 to Mr. Kenner?

23 A I believe it was wired through -- through my mother's
24 bank.

25 Q So you collected the money the other individuals,

J. KAISER-CROSS-LaRUSSO

1215

1 deposited into your mother's account and then sent it --

2 A Yes.

3 Q -- to the account?

4 A Kau Holding.

5 Q By the way, did you produce any of the documentation
6 regarding the monies received and sent?

7 A I don't recall.

8 Q If you did, you would have provided it to the government,
9 is that correct?

10 A Yes.

11 Q By the time the closing came around, you, in your mind,
12 were owed approximately \$1.1 million, is that right?

13 A Prior to the closing the terms had changed in reference
14 be to the loan.

15 Q They changed meaning that you had a conversation with
16 Mr. Kenner and you changed the terms of the loan?

17 A No. It was no longer a loan. It turned into an
18 investment.

19 Q I believe that you told us that you sold your house to
20 pay back the investors. And so you then held the entire
21 amount that was given to Mr. Kenner, in effect, is that
22 correct?

23 A Yes, that's correct.

24 Q Were you at the Lehman closing?

25 A No, I was not.

J. KAISER-CROSS-LaRUSSO

1216

1 Q Did you have an opportunity to review any of the
2 documents before the Lehman closing?

3 A Just once. That one document that we reviewed yesterday
4 that was sent to my residence.

5 Q You did have advance knowledge that the closing was
6 taking place, is that correct?

7 A I don't recall.

8 Q You did know that you were going to be repaid some of
9 your money from the Lehman closing before it occurred, is that
10 correct?

11 A Yes, but that changed.

12 Q What was the total amount that you were now owed as a
13 result of the money that you had given to Mr. Kenner?

14 A Repeat the question.

15 MR. LaRUSSO: Can you.

16 (The record was read by the reporter.)

17 A At the time I was still unaware how that was going to
18 work out since the terms had changed.

19 Q So at the time of the Lehman closing, how much did you
20 expect to get?

21 A I was unsure what I was going receive.

22 Q You were expecting something for the Lehman closing, is
23 that correct?

24 A Yes, I was hoping to get something.

25 Q You were hoping to get all the money that Mr. Kenner,

J. KAISER-CROSS-LaRUSSO

1217

1 according to your testimony, was given by you and the other
2 investors?

3 A Say that again.

4 Q You were trying to get all of your money back, either by
5 way of cash or investment, is that correct?

6 A Yes.

7 Q Now, is it your testimony that you received somewhere in
8 the neighborhood of 700- to \$800,000 after the Lehman closing,
9 is that correct?

10 A Yes.

11 Q How did you receive that money?

12 A I believe they were wires.

13 MR. LaRUSSO: If I may have just a minute, Your
14 Honor.

15 Q Do you know from what entity or what bank you received
16 the monies?

17 A No.

18 Q I will display a few exhibits in evidence, and I have a
19 few questions about them. This is the document introduced.
20 Down at the bottom, I'll display it, is Government's Exhibit
21 2103.

22 Is that screen working, Mr. Kaiser?

23 A No.

24 Q I apologize. Bear with us a moment, and take a look at
25 the exhibit behind you. This is in evidence as 2103. This is

J. KAISER-CROSS-LaRUSSO

1218

1 a Na'alehu Ventures account. Is that the account from which
2 you received your money from the Lehman closing?

3 A Yes, I believe so.

4 Q It actually shows the beginning balance on August 9, 2006
5 of zero, is that correct? Do you agree with me that I read
6 that correctly?

7 Do you see that? Can you see that now, Mr. Kaiser?

8 A I can't see the balance.

9 Q The beginning balance is zero?

10 A Yes.

11 Q It appears this account was created at or about the time
12 of the Lehman closing, is that right?

13 A Yes.

14 Q It says, "Credit" -- let me see if I can reduce it a
15 little more, then we may not have to move it around.

16 Okay. Do you see "Credits and Other Items Paid,"
17 and in brackets, 6 million.

18 A Yes.

19 Q Underneath it, it says, "Deposits and Credits:
20 6,834,287.29." Is that the approximate amount of money that
21 you know was part of the paid out amount from the Lehman loan?

22 A It seems like it would be part of it.

23 Q Now I'm going to go down to the portion called "Other
24 Items Paid." Do you see the second one -- I'm going to reduce
25 it more, hopefully we can get the date.

J. KAISER-CROSS-LaRUSSO

1219

1 Are you able to see that, Mr. Kaiser?

2 A Yes.

3 Q So there was two earlier items paid, 85.70 and \$3,000.

4 The third one, August 17, is a domestic wire to Chris Manfredi
5 for \$12,268, or is that 88?

6 A Looks like 88.

7 Q Thank you.

8 Do you know what that was for?

9 A No.

10 Q Thereafter, there's a domestic wire August 17 to you from
11 Mr. Kenner for \$34,513. Do you know what that's for?

12 A No.

13 Q The next one, same day, Mr. Kenner for 45,410, do you
14 know what that's for?

15 A No.

16 Q Then there's three wire transfers on the same day to you,
17 is that correct?

18 A Yes.

19 Q 69,400, 82,915, and \$110,000. Do you see that?

20 A Yes.

21 Q That's part of the funds that you received from the
22 Lehman closing, is that correct?

23 A Yes.

24 Q Do you know what accounts those were deposited into?

25 A I'm sure they were deposited into my account.

J. KAISER-CROSS-LaRUSSO

1220

1 Q You don't know that for a fact as you're testifying here
2 today, is that correct?

3 A I don't know what account of mine it was deposited in,
4 correct.

5 Q And then if we go down a little bit further, August 18,
6 to Chris Manfredi for \$172,000.

7 A Yes.

8 Q Do you know what that was for?

9 A No.

10 Q The second page, so the record is clear, is page 2 of 3
11 of this account. The first item appearing under Other Items
12 Paid is August 18, domestic wire to you for \$195,000. Do you
13 see that?

14 A Yes.

15 Q Mr. Kaiser, is it your testimony that from this account
16 you received somewhere in the neighborhood of 700- to
17 \$800,000, is that correct?

18 A Yes.

19 Q In addition to the monies that came from this account,
20 did you receive any other monies?

21 A In reference to what.

22 Q In regard to the money that was owed to you for your
23 investments in the Hawaiian project that you gave to
24 Mr. Kenner?

25 A No.

J. KAISER-CROSS-LaRUSSO

1221

1 Q If my math is correct and you got between 700- and
2 800,000, you were owed in the neighborhood of about 300 plus,
3 maybe 350 for your Hawaiian investment, is that correct?

4 MR. MISKIEWICZ: Objection.

5 THE COURT: Overruled. You can answer that.

6 A Yes. At that time the investment changed. It went to
7 Mexico. So it wasn't in Hawaii.

8 Q Let's try and explain that. You're still owed money from
9 your Hawaiian investment, correct? You got back 700 to 800 --

10 MR. MISKIEWICZ: Objection.

11 THE COURT: Sustained.

12 Q You're still owed some money. You testified it went to
13 the Mexican project. How much went to the Mexican project?

14 A I don't know how much went to the Mexican project. I
15 never saw the transfers of the bank.

16 Q Well, was it \$1 or was it \$305 that you were owed, or all
17 of the money went down there?

18 MR. MISKIEWICZ: Objection.

19 THE COURT: Overruled.

20 A I still don't know the final amount of what was actually
21 sent down there.

22 Q My question is, you are still owed money after you
23 received the cash from the Lehman closing totaling 700- to
24 \$800,000. I'm asking you what happens to the remainder of the
25 money owed to you. I'm trying to account for the rest of the

1 money.

2 A I believe it's sitting down in Mexico.

3 Q So all of the monies that were still due and owing to you
4 went down to the Mexican project, is that correct?

5 A I don't know -- out of the 1 million, I don't know how
6 much was sent down there. I know it was a large amount. I
7 haven't seen the bank record. As of today, I still don't know
8 what it is.

9 Q Would it be fair to say that at least around this period
10 of time, you had gotten all of your investments back, either
11 by way of cash or some other contribution by way of investment
12 in the Mexican project?

13 MR. MISKIEWICZ: Objection.

14 THE COURT: Sustained as to form.

15 Q At the time that you received the cash -- I'll withdraw
16 that.

17 Did you receive, in your mind, all the monies you
18 invested after the Lehman closing either in cash or by way of
19 investments?

20 A There was more money that I still sent down there prior
21 to the closing.

22 Q So my question is, would you agree, that you some form,
23 you got all the money that you invested in Hawaii?

24 A At that point, I had invested in Cabo. It was an
25 investment.

J. KAISER-CROSS-LaRUSSO

1223

1 Q So the money that was not paid to you in cash, as far as
2 you knew, was being invested down in Cabo San Lucas?

3 A That's correct.

4 Q So either in cash or investment, you got all of the money
5 that you invested in the Hawaiian project?

6 A Yes.

7 Q I'm going to show you, on the same page as the Na'alehu
8 Ventures account, an entry on August 25th. It says, "Loan
9 Payment." Do you see that? I'll try to point to it so we can
10 follow. August 25th loan payment.

11 A Okay.

12 Q Here it is. It's to the loan account 289369 for
13 \$580,026. Do you see that?

14 A Yes.

15 (Matter continued on the next page.)
16
17
18
19
20
21
22
23
24
25

J. Kaiser - Cross/LaRusso

1224

1 BY MR. LARUSSO:

2 Q. Do you know what that was, that payment was?

3 A. No idea.

4 Q. Do you know a person by the name of Michael Peca?

5 A. Yes.

6 Q. A hockey player?

7 A. That's correct.

8 Q. One of the investors that you came to meet and know?

9 A. Yes.

10 Q. And do you know if this payment was made to his
11 Northern Trust line of credit?

12 A. I have no idea.

13 Q. Let me show you what's in evidence as Government's
14 Exhibit 2001.

15 Up in the upper left-hand corner, it says Peca,
16 Michael, and it has the 289369; do you know see that?

17 A. Yes.

18 Q. That's the loan transaction account for his line of
19 credit.

20 And that same number appears in this transaction
21 for August 25th showing that his loan account has over
22 580,000; is that right?

23 MR. MISKIEWICZ: Objection.

24 THE COURT: I'll allow it. You can answer it.

25 Is it the same account number?

J. Kaiser - Cross/LaRusso

1225

1 THE WITNESS: Yeah. I have no idea. It's the
2 first time I'm seeing an account number.

3 THE COURT: He's just asking you if it's the
4 same account number or not.

5 THE WITNESS: It seems to be.

6 THE COURT: You can move on.

7 MR. LARUSSO: Thank you, your Honor.

8 BY MR. LARUSSO:

9 Q. You weren't the only investor in the Northern
10 projects; is that correct?

11 A. That's correct.

12 Q. You knew that there were many hockey players that had
13 been introduced to the project through Mr. Kenner; is that
14 correct?

15 A. I believe so, yes.

16 Q. Do you know, at the time of the Lehman closing, if
17 any of the hockey players got all of their money back?

18 A. I didn't believe they did.

19 Q. You believe they did?

20 A. I do not believe they did.

21 Q. So your recollection of the events is that they did
22 not get, that account that we just showed you that's got
23 about 500-plus thousand dollars, do you know if he got all
24 his money back?

25 A. I don't know what he invested.

J. Kaiser - Cross/LaRusso

1226

1 Q. By the way, and just to be fair, you had nothing to
2 do with the disbursement of the money out of that account;
3 is that correct?

4 A. That's correct.

5 Q. By the way, did you know about these lines of credit
6 from the hockey players?

7 A. No.

8 Q. At that time?

9 A. Not that time, no.

10 Q. You came to learn later. But, at that time, you did
11 not know about it?

12 A. That's correct.

13 Q. By the way, again just changing the subject a little
14 bit, have you ever heard of the Global Settlement Fund?

15 A. Yes.

16 Q. Did you ever contribute to the Global Settlement
17 Fund?

18 A. No.

19 Q. You were aware though that monies from the Global
20 Settlement Fund actually funded two lawsuits against
21 Mr. Jowdy; is that correct?

22 MR. MISKIEWICZ: Objection.

23 THE COURT: Sustained.

24 BY MR. LARUSSO:

25 Q. Mr. Kaiser, were you involved in lawsuits against

J. Kaiser - Cross/LaRusso

1227

1 Mr. Jowdy?

2 A. No.

3 Q. Were you aware of lawsuits against Mr. Jowdy?

4 MR. MISKIEWICZ: Objection.

5 THE COURT: This is all calling for hearsay. He
6 wasn't involved. If he was aware of it, it would only be
7 through hearsay.

8 MR. LARUSSO: Let me see if I can lay the
9 background for it, if I may.

10 BY MR. LARUSSO:

11 Q. Did you participate in any meetings regarding
12 lawsuits against Mr. Jowdy?

13 A. I was at a mediation once in California.

14 Q. And that mediation was in California?

15 A. I believe so, yes.

16 Q. Who was present at that mediation?

17 A. A bunch of the hockey players, attorney Ron Richards,
18 Mr. Kenner, Mr. Constantine.

19 Q. And yourself?

20 A. Yes, I was. I said I was there, yes.

21 Q. And this mediation lasted most of the day; is that
22 correct?

23 A. I don't recall how long it lasted.

24 Q. Would it be fair to say it was more than five hours,
25 more than six hours?

J. Kaiser - Cross/LaRusso

1228

1 A. I thought it was a few hours.

2 Q. That's your recollection?

3 A. Yes.

4 Q. And Mr. Constantine, you say, was present at that?

5 A. Yes.

6 Q. And was he, while you were there, advocating for the
7 hockey players at this mediation?

8 A. No.

9 Q. Did you take an active part in this mediation?

10 A. I said a few words to the judge who was mediating.

11 Q. And what were those few words that you said to the
12 judge at this mediation?

13 A. Well, the judge just finished browbeating
14 Mr. Constantine.

15 Q. I'm sorry?

16 A. The judge had just finished browbeating
17 Mr. Constantine and yelling and screaming at him.

18 Q. So what did you say?

19 A. I stood up and said, I am not Mr. Constantine. I
20 told him about my background, and I'm certainly not like
21 him, and that we're here just to try to figure it out and
22 the last thing anyone needed was a lawsuit.

23 Q. So you took an active role, correct?

24 A. Yeah.

25 The other side wasn't there. It was just, like

J. Kaiser - Cross/LaRusso

1229

1 I said, the judge, the hockey players, Mr. Kenner
2 Mr. Constantine.

3 Q. Tell us the sides. There's Jowdy and his people, and
4 there's you, Mr. Constantine, Mr. Kenner and all of the
5 hockey players; is that correct?

6 A. Yes.

7 Q. So there's two sides to this mediation. You are on
8 the side of the hockey players, the same side
9 Mr. Constantine was on; is that right?

10 A. No.

11 I told the judge I'm not -- I have nothing to do
12 with Mr. Constantine.

13 Q. Well, were you there in any capacity to insure that
14 Mr. Jowdy accounted for the monies that everybody had
15 believed he had taken?

16 MR. MISKIEWICZ: Objection.

17 THE COURT: Sustained as to form.

18 BY MR. LARUSSO:

19 Q. Mr. Kaiser, were you there because you felt that
20 Mr. Kaiser had stolen money?

21 A. I didn't steal money.

22 Q. I'm sorry.

23 Mr. Jowdy had stolen money?

24 A. No.

25 Q. What were you there for?

J. Kaiser - Cross/LaRusso

1230

1 A. I was there to try to work out the Cabo project where
2 it didn't go into a default situation or get caught up in
3 legal lawsuits for the next 10 years.

4 Q. At any point in time did you ever accuse Mr. Jowdy of
5 being a thief?

6 MR. MISKIEWICZ: Objection.

7 THE COURT: Overruled. You can answer that.

8 A. Yes, after Mr. Kenner had told me some things about
9 Mr. Jowdy.

10 Q. That was before the mediation?

11 A. Yes. Just before, yeah.

12 Q. So when you're told this information, you believed
13 that Mr. Jowdy had stolen money?

14 A. No.

15 Q. Did you believe that Mr. Jowdy had misappropriated
16 money?

17 A. I believed that the project wasn't being run right
18 and it had a lot of value.

19 Q. It's actually two projects, correct, that Mr. Jowdy
20 was involved in?

21 A. Yes.

22 Q. There are actually two lawsuits against Mr. Jowdy; is
23 that correct?

24 MR. MISKIEWICZ: Objection.

25

J. Kaiser - Cross/LaRusso

1231

1 BY MR. LARUSSO:

2 Q. That you knew of?

3 MR. MISKIEWICZ: Objection.

4 THE COURT: If he knows I'll let him answer.

5 A. No, I knew of one civil lawsuit.

6 Q. Let me ask you this.

7 Mr. Jowdy was involved in two projects in
8 Mexico, the Cabo project and the Del Mar project; is that
9 correct?

10 A. Yes.

11 Q. And at the time of this mediation, what was the
12 status of the Diamante Del Mar project?

13 A. I had no idea. I didn't have an interest in that.

14 Q. Had anything developed from the Del Mar project, as
15 far as you knew?

16 A. Like I said, I didn't have an interest in it. It
17 wasn't on my radar.

18 Q. Would it be fair to say that you never accused
19 Mr. Jowdy of being a thief?

20 A. I told you --

21 MR. MISKIEWICZ: Objection.

22 THE COURT: He can answer that. Go ahead,
23 Mr. Kaiser.

24 A. Ask the question again.

25 Q. Did you ever accuse Mr. Jowdy of being a thief?

J. Kaiser - Cross/LaRusso

1232

1 A. Not in those words.

2 Q. What words would you describe -- withdrawn.

3 It's your testimony you never used the word
4 thief in describing Mr. Jowdy?

5 A. That's correct.

6 Q. Would it be fair to say -- withdraw that.

7 Do you recall at any time speaking with
8 Mr. Constantine where he expressed to you a doubt as to
9 the accusations being made against Mr. Jowdy?

10 A. Yes.

11 Q. When did that occur?

12 A. I believe around 2010.

13 Q. And do you have a recollection that it was
14 Mr. Constantine who was talking to you about whether or
15 not the allegations that were being made against Mr. Jowdy
16 had any validity; do you recall that?

17 A. Yes.

18 MR. MISKIEWICZ: Objection.

19 May we approach?

20 THE COURT: Yes.

21 (Continued on next page.)

22

23

24

25

J. Kaiser - Cross/LaRusso

1233

1 (The following takes place at sidebar.)

2 MR. MISKIEWICZ: It calls for hearsay. And more
3 to the point, there's no effective way that the government
4 can redirect this without running afoul of Bruton, so I'm
5 objecting and I would ask that these questions be
6 stricken.

7 THE COURT: What's the relevance of this?

8 MR. LARUSSO: He did accuse Mr. Jowdy of being a
9 thief. He's lying. He's tailored his testimony. That's
10 our position.

11 THE COURT: What does it have to do with
12 Mr. Constantine?

13 MR. LARUSSO: We have a tape where he accuses
14 Mr. Jowdy of being a thief in conversation with
15 Mr. Constantine who is expressing concerns about whether
16 the allegations against Mr. Jowdy are true.

17 This gentleman has flipped the testimony from
18 the jury as if he was making these accusations, making it
19 look like my client may have been, when he was the one
20 doing it.

21 This goes to my client's state of mind. Clearly
22 what was his state of mind in regards to whether it be the
23 Global Settlement Fund or the Hawaiian investment.

24 THE COURT: What's the issue?

25 MR. MISKIEWICZ: The issue is that this is where

J. Kaiser - Cross/LaRusso

1234

1 the conspirators are blaming each other.

2 They have polluted the witness with their own
3 version of their own false exculpatories. Mr. Kenner told
4 Mr. Kaiser certain things at this point. Mr. Kaiser is
5 still believing in Mr. Kenner. He changes that view.

6 THE COURT: You're getting far afield. This is
7 a very narrow question. He asked him a question about
8 whether he accused Jowdy of any wrongdoing. He said no.
9 They have a tape where this is the context. For that
10 limited --

11 MR. LARUSSO: So there's no mistake as to what
12 we're doing, I have no problem playing it outside the
13 presence of the jury so you can hear it if you wish.
14 There's no reference to Mr. Kenner.

15 MR. MISKIEWICZ: That's the issue, to flesh out
16 why he says this. He's aware that he was recorded. To
17 flesh this out we would have --

18 THE COURT: You have to worry about that later.
19 He's entitled to do this based upon the answers to the
20 questions. So worry about your redirect later, but he's
21 entitled to cross him on what he said to Mr. Constantine
22 and what Mr. Constantine said back. I assume
23 Mr. Constantine is not going to be making any reference to
24 Mr. Kenner.

25 MR. LARUSSO: He was taken out of this clip.

J. Kaiser - Cross/LaRusso

1235

1 There's two things, Judge.

2 THE COURT: You should lead him through this.
3 You just asked an open-ended question.

4 MR. LARUSSO: It's a very difficult issue and
5 I'm wrestling with how to do it knowing the reluctance I'm
6 going to get from him. He's going to give me a hard time
7 I can have the tape played to him and he has to admit -- I
8 don't know which way I'm going. Depending on the answer
9 the Court will have to rule if the foundation was --

10 MR. MISKIEWICZ: The authenticity of the tape.

11 MR. LARUSSO: He may gave the authenticity.

12 THE COURT: Skip this for now and we will deal
13 with it during the lunch break.

14 MR. LARUSSO: I would like to do it in the
15 presence of the Court.

16 THE COURT: Okay. Move on to another area and
17 we will come back to this.

18 MR. LARUSSO: Okay. I have another area I can
19 go into.

20 (Continued on next page.)

21

22

23

24

25

J. Kaiser - Cross/LaRusso

1236

1 (The following takes place in open court.)

2 THE COURT: Members of the jury, I don't want to
3 waste time right now so I asked Mr. LaRusso to go to a
4 different area and I'll address this after you have left
5 for your lunch break.

6 Go ahead, Mr. LaRusso.

7 MR. LARUSSO: Thank you, your Honor.

8 BY MR. LARUSSO:

9 Q. One last question on this area before I move on,
10 Mr. Kaiser.

11 Would it be your testimony that the only reason
12 you thought Mr. Jowdy had stolen or misappropriated money
13 was because Mr. Kenner told you?

14 A. Yes.

15 Q. Now, I'm going to turn to Eufora if I could for the
16 moment.

17 Now, your testimony is that you first met
18 Mr. Constantine I believe you testified at the end of 2007
19 or early 2008; is that correct?

20 A. That's correct.

21 Q. That's the first meeting you had with him, correct?

22 A. Correct.

23 Q. At that meeting you had a discussion about his
24 company Eufora; is that right?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1237

1 Q. In essence, you were told that it was a company and I
2 believe you said valuable patents, and it was on the verge
3 of unparalleled success, but needed additional funding; is
4 that fair?

5 A. I don't know if -- yeah, the company was great.

6 I heard about the company prior to the
7 face-to-face meeting with Mr. Constantine.

8 Q. And you heard of that from Mr. Kenner; is that right?

9 A. That's right.

10 Q. In the meeting with Mr. Constantine, he told you more
11 about his company; is that correct?

12 A. Yes.

13 Q. What stood out I believe in your testimony was the
14 patents that he had secured and the possibility of
15 licensing that patent and making money; is that fair?

16 A. He said a lot of things at the meeting. I don't
17 recall exactly what was said.

18 Q. But would that be one of the ones?

19 A. Yeah.

20 Q. And in addition there was funding needed for the
21 company?

22 A. Yes.

23 Q. Now, did you invest any money in Eufora?

24 A. Yes.

25 Q. When did you invest the money?

J. Kaiser - Cross/LaRusso

1238

1 A. In '07.

2 Q. Would it have been after you met Mr. Constantine?

3 A. No.

4 Q. How long before you met Mr. Constantine did you
5 invest the money?

6 A. A few months before.

7 Q. So it's your testimony that before you met with him,
8 sometime around the end of 2007, you made investments in
9 the same year, but you're not sure when in 2007; is that
10 correct?

11 A. The investment was made through Mr. Kenner. He sent
12 my money to Eufora.

13 Q. I believe you testified Mr. Kenner owed you some
14 money, approximately \$275,000, and you were told that that
15 money was being invested in Eufora; is that correct?

16 A. No.

17 I said he owed me approximately \$3 million and
18 that he was investing \$275,000.

19 Q. In Eufora?

20 A. That's correct.

21 Q. And when were you told that your \$275,000 was going
22 to be invested in Eufora?

23 A. After it was invested.

24 Q. So the obvious is you did not wire the money?

25 A. That's correct.

J. Kaiser - Cross/LaRusso

1239

1 Q. And that as far as you knew, Mr. Kenner was taking
2 the responsibility for wiring that money; is that correct?

3 A. Yes.

4 Q. Now, this money that Mr. Kenner was investing was
5 your money; is that correct?

6 A. Yes.

7 Q. I believe you testified that the money came from a
8 project that you were involved with Mr. Kenner called the
9 Hermosa project?

10 A. Hermosa Beach, yes.

11 Q. So I'm not going to review your testimony regarding
12 it, but you were owed money after that property was sold
13 and this is a portion of the money that you were owed; is
14 that right?

15 A. Yes.

16 Q. This money was your money, it did not belong to
17 anyone else; is that correct?

18 A. That's correct.

19 Q. Did you make any additional investments in Eufora?

20 A. It was all through Mr. Kenner.

21 Q. And when you say it's all through Mr. Kenner --

22 A. Excuse me.

23 Q. Normally you have to answer the question but I'll
24 allow you to go ahead.

25 A. I didn't know if you were jumping to 2009 referencing

J. Kaiser - Cross/LaRusso

1240

1 the funds that came --

2 Q. I'm sorry, could you repeat that?

3 A. I didn't know if you were jumping to 2009 referencing
4 the funds that came from my mother and T.R. Hughes.

5 Q. Good question. Let's exclude the December 2009
6 transactions that involved your mother. I believe it's
7 Mr. Hughes, Mr. Rizzi, and I believe there was another
8 investment by Mr. Privitello around the same period of
9 time, okay?

10 A. Yes.

11 Q. Excluding that, did you invest any other monies in
12 Eufora?

13 A. All the money I invested through Eufora went through
14 Mr. Kenner's accounts. That was my money.

15 Q. In addition to the \$275,000 that we talked about, how
16 much more money do you say was invested in Eufora through
17 Mr. Kenner?

18 A. I believe approximately another 1.7 million,
19 something like that.

20 Q. You didn't testify to that on direct, did you?

21 MR. MISKIEWICZ: Objection.

22 THE COURT: Overruled. You can answer.

23 A. I don't believe that was asked of me.

24 Q. This 1.7 million that you say Mr. Kenner invested for
25 you came after the \$275,000; is that correct?

J. Kaiser - Cross/LaRusso

1241

1 A. Yes.

2 Q. And is it a fact that when you claim that monies were
3 invested in Eufora, it's because Mr. Kenner told you it
4 was invested in Eufora; is that correct?

5 A. Yes, that's correct.

6 Q. You didn't see any documentation showing the monies
7 going to Eufora on your behalf?

8 A. He wrote down a bunch of wire transfers that he
9 stated were on my behalf.

10 Q. So there came a point in time when you were provided
11 documentary evidence of what Mr. Kenner said were your
12 investments in Eufora; is that right?

13 A. Yes.

14 MR. MISKIEWICZ: Objection.

15 THE COURT: Overruled.

16 BY MR. LARUSSO:

17 Q. Is that correct?

18 A. Yes.

19 Q. Did you provide that documentary evidence to the
20 government?

21 A. Yes.

22 Q. And in essence that documentary evidence are wire
23 transfers; is that right?

24 A. No.

25 Q. What was the documentary evidence that you provided?

J. Kaiser - Cross/LaRusso

1242

1 A. A list that Mr. Kenner wrote out.

2 Q. I'm sorry?

3 A. A list. It was handwritten from Mr. Kenner, a list.

4 Q. So it was a piece of paper?

5 A. Of the wires. That's correct.

6 Q. And on the piece of paper, if I'm not mistaken, would
7 be a date and an amount and where the money went to?

8 A. Yes.

9 Q. As a matter of fact, what you were told about your
10 additional monies was that it was sent to a company called
11 Constantine Management Group; is that correct?

12 A. I believe it was sent to various accounts that
13 Mr. Kenner said it was directed from Mr. Constantine.

14 Q. Well, do you remember preparing an affidavit and
15 signing it under penalties of perjury in a case called AZ
16 Eufora Partners, Theodore Hughes and Robert Rizzi vs.
17 Tommy Constantine and others?

18 A. Yes, sir. My attorney prepared it.

19 Q. You reviewed that affidavit, didn't you?

20 A. Yes.

21 Q. And you swore to the accuracy of that information?

22 A. I signed it, yes.

23 Q. That's not my question.

24 A. Yes.

25 Q. At the time you signed it you realized -- withdraw

J. Kaiser - Cross/LaRusso

1243

1 that.

2 Do you remember in that affidavit that we're
3 talking about indicating that you in fact had invested
4 approximately 275,000 by April of 2007 in exchange for a
5 membership interest in Eufora?

6 A. Yes, I was told through Mr. Kenner that's what
7 happened.

8 Q. So you didn't in the affidavit say that's what you
9 were told from Mr. Kenner, you represented that I invested
10 in by April of 2007, 275,000?

11 A. Yes, that's what I believed.

12 Q. Have you had an opportunity to look at the affidavit
13 before appearing here today?

14 A. Yes.

15 Q. How often did you take a look at it?

16 A. Just once.

17 Q. Who showed you the affidavit?

18 A. I have it.

19 Q. Nobody showed it to you?

20 A. No.

21 Q. Did anybody ever discuss before your testimony here
22 the contents of that affidavit?

23 A. No.

24 Q. Now it's your testimony that in regards to the
25 275,000, Mr. Kenner was going to do this on your behalf;

J. Kaiser - Cross/LaRusso

1244

1 is that correct?

2 A. Yes.

3 Q. Did you talk to Mr. Constantine before you made that
4 investment?

5 A. No.

6 Q. Can you take a look at C-64 which is before you.

7 Do you recognize that as your affidavit?

8 A. Yes.

9 Q. Would you take a look at the second paragraph which
10 goes on to the second page.

11 A. Yes.

12 Q. I'll ask you do you remember --

13 MR. MISKIEWICZ: Objection.

14 THE COURT: What grounds?

15 MR. MISKIEWICZ: He didn't deny signing this,
16 there isn't any grounds for impeachment or to read the
17 grounds into evidence.

18 MR. LARUSSO: There are two grounds for
19 impeachment.

20 THE COURT: Overruled.

21 BY MR. LARUSSO:

22 Q. Mr. Kaiser, you testified Mr. Kenner took care of
23 this \$275,000 for you; is that correct?

24 A. Yes.

25 Q. And that he wired it and you don't know where at this

J. Kaiser - Cross/LaRusso

1245

1 time, correct?

2 A. Repeat that question.

3 Q. He took care of the wiring of the money, you did not?

4 A. Yes.

5 Q. Do you recall, and am I reading correctly -- withdraw
6 that.

7 Do you recall in that affidavit saying that
8 Constantine described Eufora as a viable company with
9 excellent prospects that were currently in need of cash.

10 That was true, correct?

11 A. Yes.

12 Q. And do you remember saying this:

13 Based on his representations I invested
14 approximately 275,000 by April of 2007 in exchange for a
15 membership interest; do you remember that?

16 A. Yes.

17 Q. Is that statement that you make true, yes or no?

18 MR. MISKIEWICZ: Time frame. Objection.

19 THE COURT: Overruled. You can answer it,
20 Mr. Kaiser.

21 A. At the time when this was written was in 2010.
22 That's how I remembered it.

23 Q. As you remembered it in 2010, it was based upon
24 Mr. Constantine's representations, not Mr. Kenner's; is
25 that correct?

J. Kaiser - Cross/LaRusso

1246

1 A. Yes.

2 Q. So --

3 A. It was both.

4 Q. So is your testimony at this trial accurate or is the
5 information in the affidavit not correct?

6 A. Repeat the question.

7 Q. Mr. Kaiser, you testified to this jury that it was
8 Mr. Kenner that talked to you about the \$275,000
9 investment.

10 In this affidavit you say it was based upon the
11 representations of Mr. Constantine.

12 My question is, were you lying in this affidavit
13 as to where the money was sent, who directed you to send
14 it?

15 A. No.

16 When this was written in 2010, I believed when
17 this was written that it was accurate and those were the
18 dates.

19 Q. You believed?

20 A. Yes.

21 Q. And so then fast forward five years and now all of a
22 sudden you say to yourself I'm going to put it on Kenner.
23 So you say it's Mr. Kenner?

24 MR. MISKIEWICZ: Objection.

25 THE COURT: Sustained.

J. Kaiser - Cross/LaRusso

1247

1 BY MR. LARUSSO:

2 Q. You testified that Mr. Kenner sent the 275,000?

3 A. Yes.

4 Q. Well, let's continue the affidavit.

5 After you say based on his representations I
6 invested approximately 275,000 by April of 2007 in
7 exchange for a membership interest. Constantine directed
8 that my funds be wired to his entity, Constantine
9 Management Group, Ltd, in brackets CMG, so that he can
10 place the funds in the appropriate Eufora account.

11 Was that statement false? Were you accusing
12 Mr. Constantine falsely in this affidavit?

13 A. No.

14 Q. You testified at trial that it was Mr. Kenner and in
15 the affidavit in 2010 you said it was Mr. Constantine.

16 Are you lying in this affidavit, Mr. Kaiser?

17 A. In 2010 I was -- in '07 from that April I was first
18 notified about Eufora from Mr. Kenner, and then I had a
19 meeting with Mr. Constantine. So when this was being
20 written out, that's how I recalled it. So I was obviously
21 off a few months.

22 Q. Well, Mr. Kaiser, when you say it's how you recall
23 it, you're accusing Mr. Constantine in this affidavit of
24 being the one who directed the funds when you're now
25 saying it was Mr. Kenner. Withdraw that.

J. Kaiser - Cross/LaRusso

1248

1 Isn't that what you're doing here?

2 A. No.

3 Q. By the way, you just told this jury about these
4 additional investments we haven't heard about before.

5 MR. MISKIEWICZ: Objection.

6 THE COURT: Sustained. Just ask the question.

7 BY MR. LARUSSO:

8 Q. Aside from the \$275,000, you said that Mr. Kenner
9 also put in more money for you; is that correct?

10 A. Yes.

11 Q. And it totaled well in excess of another million
12 dollars; is that right?

13 A. Yes.

14 Q. And all of those investments that were made on your
15 behalf went through Mr. Kenner; is that right?

16 A. Yes.

17 Q. Take a look at paragraph 4 of your affidavit. I'll
18 read it and see if this refreshes your recollection.

19 Fearful that I would lose my initial investment,
20 and yet optimistic after hearing Mr. Constantine's
21 repeated representation about the company's anticipated
22 near term success, I made a series of additional
23 investments in the company each time at his direction
24 through a Constantine controlled entity, CMG.

25 That's wrong. Mr. Constantine didn't do this.

J. Kaiser - Cross/LaRusso

1249

1 You say Mr. Kenner did it on your behalf; is that correct?

2 A. No, because after -- in 2008 I'm talking to
3 Mr. Constantine and he's saying he's in dire straights and
4 he needs money in Eufora.

5 Q. So it's your testimony now --

6 MR. MISKIEWICZ: He hasn't finished his answer.

7 THE COURT: Mr. Kaiser, did you finish?

8 THE WITNESS: Yes.

9 Q. Did you finish the answer?

10 THE COURT: He said yes.

11 THE WITNESS: Yes.

12 MR. LARUSSO: Thank you, your Honor. I didn't
13 hear that.

14 BY MR. LARUSSO:

15 Q. You testified -- withdraw that.

16 Is it your testimony that after your initial
17 series of investments, you met Mr. Constantine on a number
18 of occasions; is that correct?

19 A. Yes.

20 Q. And that thereafter he directed your investments into
21 his company, is that correct? Is that what you're saying?

22 A. Thereafter we had those conversations and he directed
23 Mr. Kenner who he knew those funds to be mine.

24 Q. Mr. Kaiser, when you testified about 15 minutes ago,
25 you said all these additional investments went through

J. Kaiser - Cross/LaRusso

1250

1 Mr. Kenner to Eufora, correct?

2 A. Correct.

3 Q. And now you're telling us, well some of them went
4 through Mr. Kenner, but others were directed by
5 Mr. Constantine.

6 Is that what you're saying now?

7 A. Yes.

8 MR. MISKIEWICZ: Objection.

9 THE COURT: Overruled.

10 BY MR. LARUSSO:

11 Q. Fair to say you changed your testimony again?

12 A. No, I didn't.

13 Q. Mr. Kaiser, in those two portions of this affidavit,
14 are you falsely accusing Mr. Constantine?

15 A. No.

16 Q. Of things that didn't occur?

17 A. No.

18 Q. Mr. Kaiser, I think you alluded to it a few moments
19 ago, do you recall sometime in the middle of 2009 meeting
20 with Mr. Constantine at the Eufora offices?

21 A. Yes.

22 Q. Do you recall in that meeting, sometime in the middle
23 of 2009, that you presented proof of your over \$2 million
24 investment in Eufora; is that correct?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1251

1 Q. And you presented it to him -- by the way, what was
2 the proof? Do you remember what you showed him?

3 A. Yes.

4 Q. What did you show him?

5 A. It was a document with amounts and dates of the wire
6 transfers.

7 Q. Handwritten dates, handwritten amounts; is that
8 correct?

9 A. That's correct.

10 Q. It was a piece of paper, correct?

11 A. That's correct.

12 Q. And that piece of paper allegedly reflected wire
13 transfers; is that correct?

14 A. Yes.

15 Q. Into his company, Constantine Management Group?

16 A. I believe it was into various companies.

17 Q. In any event, it was your understanding that this
18 proof -- withdraw that.

19 The proof that you were presenting came from
20 Mr. Kenner; is that correct?

21 A. Yes.

22 Q. And he went over with you detailed transactions that
23 you wrote down -- did you write them down? Was the
24 writing on that document your handwriting?

25 A. Which document are you looking at?

J. Kaiser - Cross/LaRusso

1252

1 Q. The piece of paper you showed Mr. Constantine as
2 proof of your investments?

3 A. That's my handwriting.

4 Q. And that handwriting on that document is based upon
5 information that Mr. Kenner had provided to you before you
6 met with Mr. Constantine; is that correct?

7 A. Yes, some of it.

8 Q. Would it be fair to say that at this meeting you took
9 the opportunity to actually go through these investments
10 with Mr. Constantine?

11 A. Yes.

12 Q. And you told him that this is what you were told by
13 Mr. Kenner, correct?

14 A. Yes.

15 Q. And at that meeting you said to Mr. Constantine, I
16 want 20 percent of Eufora; is that correct?

17 A. No.

18 Q. Did you ask for a percentage of interest in Eufora at
19 that time?

20 A. Through the period leading up I assumed that I had
21 that 20 percent.

22 Q. And that came from Mr. Kenner?

23 A. Yes.

24 He had stated that he had conversations with
25 Mr. Constantine, and Mr. Constantine told him that it

J. Kaiser - Cross/LaRusso

1253

1 actually should be worth a lot more than that.

2 Q. Would it be fair to say that at that meeting you
3 discussed with Mr. Constantine that you had a 20 percent
4 interest based upon what you had been told?

5 A. Yes.

6 Q. Now you discussed this meeting with Mr. Constantine
7 in your affidavit; is that correct?

8 A. Repeat the question.

9 Q. Take a look at paragraph 8 in your affidavit. I'm
10 trying to save some questions if I could.

11 Directing your attention to the second line
12 where you say I went to the office with proof of my then
13 2.2 million in wire transfers to Eufora through CMG and
14 other Constantine controlled entities, do you see that?

15 A. Yes.

16 Q. That's true, correct?

17 A. Yes.

18 Q. What was the proof?

19 A. The proof was what I told you, dates and amounts of
20 transfers.

21 Q. Let me ask you, did you, after this meeting, continue
22 to insist on 20 percent interest in Eufora?

23 A. Myself and Mr. Constantine had a few meetings
24 referencing it.

25 Q. Would you also have e-mail communications with

J. Kaiser - Cross/LaRusso

1254

1 Mr. Constantine regarding your interest in Eufora?

2 A. Yes.

3 MR. LARUSSO: Just one moment, your Honor.

4 Your Honor, this may be a good opportunity. I
5 may take a few minutes on this one. I realize something
6 has to be done with the document. May we take care of the
7 other matter, if I can ask the Court's permission.

8 THE COURT: Why don't you approach.

9 (Continued on next page.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

J. Kaiser - Cross/LaRusso

1255

1 (The following takes place at sidebar.)

2 MR. LARUSSO: This is what I'm going to be
3 showing him, Judge. This is the original e-mail. I took
4 out references to Mr. Kenner so we didn't run afoul of the
5 Court's --

6 THE COURT: That's fine. Why do you need a
7 break then? I have something at 1:30.

8 MR. LARUSSO: I have a few more questions in
9 regards to this one, Judge.

10 MR. OLIVERAS: He didn't realize the redactions
11 had been done.

12 (Continued on next page.)

13

14

15

16

17

18

19

20

21

22

23

24

25

J. Kaiser - Cross/LaRusso

1256

1 (The following takes place in open court.)

2 BY MR. LARUSSO:

3 Q. Mr. Kaiser, I show you what's been marked for
4 identification as 70-A, C-70-A.

5 Have you had a chance to take a look at that?

6 A. Yes.

7 Q. You told us you had e-mail communications with
8 Mr. Constantine?

9 A. Yes.

10 Q. Is that one of the e-mail communications you had with
11 Mr. Constantine?

12 A. Yes.

13 Q. On January 3rd 2010; is that correct?

14 A. Yes.

15 MR. LARUSSO: Your Honor, I offer Defendant's
16 Exhibit C-70-A.

17 MR. MISKIEWICZ: Objection. Hearsay.

18 THE COURT: Any objection?

19 MR. HALEY: Your Honor, may I see the redacted
20 part?

21 THE COURT: Yes.

22 (Pause in proceedings.)

23 MR. MISKIEWICZ: May we approach, your Honor?

24 THE COURT: Yes.

25 (Continued on next page.)

J. Kaiser - Cross/LaRusso

1257

1 (The following takes place at sidebar.)

2 MR. MISKIEWICZ: I want to supplement that this
3 statement is made well after the money has been stolen.
4 It's a false exculpatory and it's being offered really to
5 prove the truth of the matter asserted and there isn't
6 anything here from which a jury could find what
7 representations were made prior to the fact that the money
8 was stolen. This is pure hearsay.

9 THE COURT: Do you have any objection?

10 MR. HALEY: May I have a moment, Judge?

11 (Pause in proceedings.)

12 MR. HALEY: Yes, your Honor, we do object.

13 THE COURT: Let's take the lunch break.

14 MR. LARUSSO: I'm sorry, Judge.

15 (Continued on next page.)

16

17

18

19

20

21

22

23

24

25

J. Kaiser - Cross/La Russo

1258

1 (Whereupon, the following occurred in open
2 court.)

3 THE COURT: We'll take the lunch break now and
4 reconvene at 1:30. Don't discuss the case. Have a good
5 lunch.

6 (Whereupon, the jury retired from the
7 courtroom.)

8 THE COURT: If everyone would be seated. Before
9 we let Mr. Kaiser go to lunch, though, I just want to --
10 what you do you want to do? Play a portion to the tape to
11 him?

12 MR. LA RUSSO: If the Court has the time now, I
13 have it. It's being placed in the computer now. I'll
14 hand the Court and the government the portion we are
15 playing. I thought we had copies. May I, your Honor? If
16 I may, your Honor?

17 THE COURT: Yes.

18 (Tape played.)

19 (Tape stopped.)

20 THE COURT: Okay. Why don't you step outside
21 for moment, Mr. Kaiser. Don't go to lunch. I want to
22 question Mr. La Russo about what he wants to question you
23 about the statement. All right.

24 (Witness steps out of courtroom.)

25 THE COURT: Mr. La Russo, what do you say, you

J. Kaiser - Cross/La Russo

1259

1 want it impeach him on whether or not he called Ken Jowdy
2 a thief?

3 MR. LA RUSSO: That and the continued
4 representations supporting that, Judge. We've made it
5 pretty clear in the testimony that that's not what he said
6 and he's leaving the jurors that he was not taking an
7 active role in accusing Mr. Jowdy. This certainly
8 contradicts his testimony. And we've played only that
9 portion dealing with his allegations against Mr. Jowdy.

10 THE COURT: Okay. So when the jury comes back,
11 you want to ask him have you reviewed a recording, does
12 that refresh your recollection that you called Ken Jowdy a
13 thief?

14 MR. LA RUSSO: Hopefully we can get him to admit
15 -- I don't know what know he's going to admit because I
16 haven't spoken in him. If he says this is fair and
17 accurate representation, recording, of the conversation
18 that I had, I'm going to introduce the part.

19 THE COURT: Why should all the conversation with
20 Mr. Constantine comes in?

21 MR. LA RUSSO: Because it adds background to
22 Mr. Kaiser where it validates the fact that Mr. Kaiser is
23 a thief when he answers yes, and the validation regarding
24 Mr. Jowdy when he talks about I've known him for all this
25 period of time and then he goes on and he's a manipulator.

J. Kaiser - Cross/La Russo

1260

1 It's part of, of his denial of the fact that Mr. Jowdy was
2 a thief and Mr. Jowdy had done nothing wrong.

3 He's the one that's make the accusation, not my
4 client. That's the purpose of this, to impeach him.

5 THE COURT: You're trying to use extrinsic
6 evidence to impeach him when -- first of all, the rules
7 really don't permit that. But if he acknowledges that he
8 said this on the tape, I don't know why the tape should be
9 introduced itself? Why if it refreshes his recollection
10 that he called him a thief, why would you need the --

11 MR. LA RUSSO: If he says I said that in
12 response to what is on the tape, I don't need to introduce
13 the tape -- you're right but I've got to get him to make
14 the admission. I don't know.

15 THE COURT: I'm going to bring him back in.

16 MR. MISKIEWICZ: Your Honor, before he comes
17 back in, we don't have a copy of the entire tape, and it
18 seems to be mid conversation, and we don't know whether
19 this is sort of -- this is the entire context of this area
20 of the tape regarding the potential impeachment or if
21 there's more to it, and I'd like to have the entire
22 recording.

23 MR. LA RUSSO: We have the entire recording,
24 I'll give it to the government and they can look at it
25 during the recess. Clearly what's becoming a critical

J. Kaiser - Cross/La Russo

1261

1 issue is whether or not my client intended to steal money.
2 We're not denying many of the transactions that the
3 government is going to place before the jury as to money
4 being paid to the lawyer, or his racing activities, but
5 what we're going to be arguing is that there was no
6 intent. Part of that deal was the fact that he was
7 questioning whether or not Jowdy had anything to do with
8 this. The entire suit that was being filed and funded by
9 the Global Settlement Fund. So if my client had the
10 intention to steal money from the Global Settlement Fund
11 he wouldn't be making these representations that elicited
12 the responses from Mr. Kaiser. So it bears directly on
13 that as well, your Honor.

14 THE COURT: I guess I don't follow. What is
15 whether or not your client diverted money, what does that
16 have do with these statements? How do these statements
17 bear on whether or not your client diverted money? I
18 don't understand the relevance of what he thinks. What
19 your client thinks, actually not what your client thinks,
20 what Mr. Kaiser thinks about Mr. Jowdy, how does that bear
21 on your client's state of mind as to whether or not your
22 client diverted money for his own purposes. I don't
23 understand the connection?

24 MR. LA RUSSO: Your Honor I kind of anticipated
25 that and my client and I tried to put it in writing to so

J. Kaiser - Cross/La Russo

1262

1 that we can understand it. This is what it is, Judge, one
2 of the allegations that the government has been clear
3 about from the beginning is that Mr. Kenner and
4 Mr. Constantine created the Global Settlement Fund as a
5 mechanism to defraud the players by bringing false
6 allegations against Mr. Jowdy to induce the players to
7 participate in fraud. That's that they're argue, that's
8 what they're presenting to the jury. It's clear. This
9 recording shows that Mr. Constantine is questioning the
10 actions that were taken against Mr. Jowdy by him and
11 others involved in the Global Settlement Fund, including
12 Mr. Kenner and Mr. Kaiser, both of them. And it clearly
13 shows that Mr. Constantine was acting in good faith when
14 he participated in the attack on Mr. Jowdy with the Global
15 Settlement Fund and based upon the information that he was
16 provided at the time. It bears directly on what he was
17 thinking in regards to what the government claims was an
18 outright theft. How can Mr. Constantine be a
19 co-conspirator as the government alleged during the Global
20 Settlement Fund, when he is now questioning the validity
21 of the information provided to him during that time.

22 If he was a co-conspirator as the government
23 alleged he would obviously know that the allegations were
24 false and there would be nothing for him to question
25 later. Ironically, it also demonstrates that Mr. Kaiser

J. Kaiser - Cross/La Russo

1263

1 was validating the merits of the Global Settlement Fund as
2 it relates to the allegations against Mr. Jowdy. Judge, I
3 appreciate the Court's giving me the opportunity to read
4 it. That's what we worked on and tried to explain it as
5 best as we possibly can. And I think it tells it quite
6 accurately why it shouldn't be admitted.

7 MR. MISKIEWICZ: It doesn't really matter
8 whether Jowdy was a thief or involved in another matter in
9 Mexico. What matters is the representations that these
10 two defendants made to the victims here. So this is
11 entirely irrelevant.

12 THE COURT: I'm a little bit surprised that the
13 centerpiece, your defense arguments, if that's what the
14 allegations are. I don't understand that's what the
15 allegation is. This case is about representations made to
16 the investors about what their money was going to be used
17 for and whether or not it was used for and whether or not
18 it was used for other purposes that were unauthorized. I
19 don't understand how the merits of the allegation against
20 Mr. Jowdy or your client's belief as to the merits of the
21 allegations against of Mr. Jowdy in 2010 relate to whether
22 or not he took money that was supposed to be used in the
23 lawsuit against Mr. Jowdy to purchase things related to
24 racing cars. I don't understand that -- why -- what he
25 believes about the merits of the allegations against

J. Kaiser - Cross/La Russo

1264

1 Mr. Jowdy and the merits of the lawsuit has nothing to do
2 with whether or not he used money for things he wasn't
3 supposed to use it for, it had nothing to do with it.

4 MR. LA RUSSO: As I mentioned the government in
5 one of the government's letter to the court and us,
6 actually indicated, this is in 11: While evidence at
7 trial will show that some of the funds raised by Kenner
8 were in fact used by Jowdy for the real estate projects,
9 Kenner and Constantine also fraudulently, for millions of
10 funds raised to themselves, the \$2 million diversion
11 summarized above is one example of the diversions that
12 only personally benefited the defendant. Other diversions
13 amounted to favors to persons the defendant chose to share
14 in the proceeds of their crimes. For instance, Kenner
15 arranged for approximately \$500,000 raised from three of
16 the victims to be used to pay an American Express card in
17 the name of his then-wife

18 And lastly, Judge: Despite this, Kenner and
19 Constantine have sought, long before the current
20 indictment, to shift blame for the losses sustained by the
21 victims to their former associate, Jowdy. What is more,
22 as alleged in the indictment, the defendants used Jowdy to
23 further victimize some of the same investors they had
24 similarly defrauded.

25 So they had tied it directly into what we're

J. Kaiser - Cross/La Russo

1265

1 hoping to present by way of this evidence that it negates
2 that position that they've taken, Judge. And yes, it is
3 the cornerstone of our defense, and my client did not
4 intend to steal it and he's questioning Mr. Jowdy more
5 proper and accurate to begin with.

6 THE COURT: Your position is you want to be able
7 to show the jury that Mr. Constantine didn't think
8 Mr. Jowdy did anything wrong. That's what you're trying
9 do?

10 MR. LA RUSSO: No, judge. The major
11 component --

12 THE COURT: I don't understand.

13 MR. LA RUSSO: What we're trying to say, Judge,
14 is --

15 THE COURT: You're saying the government's
16 position is that Mr. Constantine and Kenner are making
17 false allegations pointing the finger at Mr. Jowdy for
18 their own benefit as relates to the victims. Are you
19 trying to prove that that -- I don't understand what --
20 why are you trying to undermine that position of the
21 government, that he wasn't claiming that Mr. Jowdy had
22 done something wrong.

23 MR. LA RUSSO: No. That's what this shows,
24 Judge. The government is claiming that the moneys were
25 taken from the Global Settlement Fund because they were

J. Kaiser - Cross/La Russo

1266

1 shifting blame for the monies losses to Mr. Jowdy. What
2 Mr. Constantine is doing in his conversations with
3 Mr. Kaiser is questioning the government's theory and
4 Mr. Kaiser is the one that's taking the more bold position
5 saying he's a thief, he's a thief. And it goes directly
6 to what our defense is, what his intent was, whether or
7 not there was this plan and conspiracy to steal the money.

8 THE COURT: Okay. Let me bring Mr. Kaiser in so
9 that he can go to lunch. I just want to ask him about the
10 tape.

11 (Witness enters the courtroom.)

12 THE COURT: Mr. Kaiser, I just want to ask you
13 about the tape. Having heard that tape, is that your
14 voice on that tape?

15 THE WITNESS: It doesn't sound like it is.

16 THE COURT: It doesn't sound your voice?

17 THE WITNESS: No. The tape sounds like it's cut
18 off.

19 THE COURT: Okay. So if Mr. La Russo had asked
20 you does that refresh your recollection whether or not you
21 called Ken Jowdy a thief or not, what is your answer to
22 that? Does that refresh your recollection or not?

23 THE WITNESS: It doesn't, but if it is actually
24 my voice.

25 THE COURT: Okay. Do you recognize that as your

J. Kaiser - Cross/La Russo

1267

1 voice or you don't know?

2 THE WITNESS: I'm unsure. Like I said, it
3 seemed a little cut up to me.

4 THE COURT: Okay. Thank you.

5 MR. LA RUSSO: Your Honor, I apologize, if it's
6 possible with your permission I'd give the entire tape to
7 the government and let Mr. Kaiser listen to it, because I
8 may have him to listen to the whole tape because it would
9 probably -- and he would admit that it would be his, after
10 listening to all of it.

11 THE COURT: If -- you don't have to listen to
12 the whole tape. How long is the whole tape?

13 MR. LA RUSSO: About 15 minutes.

14 THE COURT: They have the whole tape. Maybe if
15 you hear the context of the conversation it would help.

16 THE WITNESS: Yes.

17 THE COURT: If the government would give that to
18 Mr. Kaiser during the break. Thank you. You can take the
19 lunch break now.

20 (Witness leaves the courtroom.)

21 THE COURT: Okay. Everyone be seated.
22 Mr. Haley tell me what your objection is to the e-mail?

23 MR. HALEY: Your Honor, probably one of the few
24 occasions at this trial I'm going to agree with the
25 government. I believe that it's hearsay, and inadmissible

J. Kaiser - Cross/La Russo

1268

1 absent let's say foundation laid by I guess

2 Mr. Constantine himself subject to cross-examination.

3 MR. LA RUSSO: Judge, I apologize. I believe
4 Mr. Kaiser identified that as an e-mail exchange between
5 himself and Mr. Constantine. He's identified it.

6 MR. HALEY: I understand that.

7 THE COURT: I know, it's still hearsay. The
8 e-mail is hearsay, right.

9 MR. LA RUSSO: It has to have relevance, I
10 understand that.

11 THE COURT: I didn't say relevancy, it has to
12 overcome the hearsay objection, too, right?

13 MR. LA RUSSO: Yes.

14 THE COURT: Can I see the unredacted version,
15 too? The government can remind me of the dates of the
16 alleged diversions of money. When are the alleged
17 diversions of the money with respect to --

18 MS. KOMATIREDDY: With respect to the GSF,
19 your Honor, May of 2009 to March of 2010.

20 THE COURT: No. This is, this e-mails about
21 Eufora, right.

22 MS. KOMATIREDDY: Yes, your Honor, with respect
23 to Eufora there is a diversion February 2008 to July of
24 2008, is one Eufora fraud. Then another one that goes the
25 second stage of the fraud is December 2008 to May, June

J. Kaiser - Cross/La Russo

1269

1 2009, and lastly with respect to Mr. Privitello only who
2 is John Doe 11, there is another instance of fraud in
3 December of 2009.

4 MR. LA RUSSO: Your Honor, I think the
5 indictment actually says to 2013. I don't have the
6 indictment with me.

7 MS. KOMATIREDDY: With respect to the diversion,
8 those are dates of the diversion. I also want to note
9 with respect to the Eufora frauds Mr. Kaiser is not an
10 alleged victim of the Eufora fraud.

11 MR. LA RUSSO: Your Honor, I don't think they
12 can take it in a vacuum. Their conspiracy expands to
13 2013. I'm going to represent to the court we are going to
14 argue there are separate frauds later on at trial and
15 they're just trying to piecemeal it at this point.

16 This aspect of the case where they claim
17 Mr. Constantine and Kenner were trying to shift the blame,
18 this conversation comes right within that entire period of
19 the conspiracy. I don't know how you can claim by one
20 transaction it doesn't relate to the entire indictment. I
21 think it comes within the scope of the charged period,
22 Judge.

23 THE COURT: Let me see the unredacted version.

24 MR. HALEY: Judge, I have it.

25 MR. LA RUSSO: Judge, do you have the

J. Kaiser - Cross/La Russo

1270

1 unredacted?

2 MR. HALEY: He has the redacted.

3 THE COURT: I'll look at that time during the
4 lunch break. Okay. I'll see you at 1:30.

5 MR. LA RUSSO: I can break and start him after
6 lunch. I know defense attorneys don't like doing it but I
7 have no problems with it, none.

8 MS. KOMATIREDDY: That's fine. Your Honor, we
9 can do that. May we have a ruling?

10 THE COURT: Yes. The only question I had on
11 page 17.

12 MR. HALEY: I apologize, what are we referring
13 to?

14 THE COURT: This is the deposition of
15 Mr. Constantine, portions that the government wishes to
16 offer through the witness.

17 MR. HALEY: Thank you.

18 THE COURT: I don't think government described
19 for me what the relevance of that that is.

20 MS. KOMATIREDDY: Sure, your Honor. Steve
21 Silver is an attorney with Silver Law. Silver Law
22 received approximately \$110,000 from the GSF in 2009
23 starting two weeks after his deposition.

24 THE COURT: And then you made reference to
25 something on page 55 being about Mr. Ricardo's money but I

J. Kaiser - Cross/La Russo

1271

1 think that was actually on page 61.

2 MS. KOMATIREDDY: I pool apologize, your Honor.

3 THE COURT: So I understand the relevance of
4 Mr. Ricardo's -- what's the relevance of 55, page 55? The
5 sponsorship agreements, what's the relevance of those?

6 MS. KOMATIREDDY: Your Honor, on page 55 it is
7 offered to show that Mr. Constantine's race car
8 business -- he calls himself a professional race car
9 driver. However, he actually does not make any money or
10 receive any cash from his sponsorship deals. It goes to
11 show motive for why it is during the Eufora fraud that he
12 -- his motive for taking the investors money and diverting
13 it for his personal business. He does not have the cash
14 generating business for either Eufora or his race car
15 drivers.

16 THE COURT: Mr. La Russo, I'll give you a chance
17 to be heard on this. I heard you yesterday, but now I've
18 gone back and reviewed the transcript last night, and I
19 reviewed the government's letter where they described the
20 relevance and all these portions relate to several things,
21 one is they're alleging obviously money was diverted to
22 some of the individuals from the fund. That's certainly
23 relevant for the government to be able to show that your
24 client had a connection to each these various entities or
25 individuals they're saying that the diversions occurred

J. Kaiser - Cross/La Russo

1272

1 to, and certainly to establish motive, they should be able
2 to establish that he lacked the funds with respect to all
3 these debts that they're alleging that he paid with the
4 monies. It's clearly relevant. It's not just relevant,
5 it's central to the government's ability to prove the
6 case.

7 So I'm kind of at a loss for how these would not
8 be relevant to show why he diverted the money and in fact,
9 did divert the money because he has a relationship with
10 all of these entities that they're claiming his money went
11 to.

12 MR. LA RUSSO: Judge, I agree with the Court in
13 the sense that each one of these particular subject
14 matters relates to a particular wire transfer or check
15 coming out of the global settlement, and our burden to
16 show that it was not related to the monies put in by the
17 hockey players who would have a difficult time regarding
18 it.

19 So what concerns me, Judge, is the overall
20 impression that it created in regards to the jury that I
21 think is prejudicial to my client. The government doesn't
22 need this evidence to establish the improprieties. They
23 have the monies going out, they have witnesses testifying
24 to the fact that they were unauthorized and it's still our
25 burden, all this does is paint a bad picture of my client.

J. Kaiser - Cross/La Russo

1273

1 THE COURT: Bad picture in what way? When it
2 paints a bad picture it just says that he's desperate for
3 money. Is that what you're referring to?

4 MR. LA RUSSO: Judge, if they can address each
5 one of these particular subject matters? I haven't had a
6 chance to look at it in that depth. Then obviously I
7 would not have as strong an argument with regards to its
8 admissibility. I'm just hoping that each one of those do,
9 I just don't know.

10 THE COURT: The government did a good job in the
11 letter, showing how each one related to a particular
12 aspect of their case in terms of the diversion. So I have
13 reviewed the government's letter, and I have reviewed the
14 transcript, I believe it is most definitely relevant on
15 the issues of motive, in terms of Mr. Constantine needing
16 the money to pay for other debt, having financial issues
17 during this time. It establishes the connection between
18 him and various individuals and entities that the money
19 went to, which is a critical part of proving that he was
20 the one responsible for the diversion, and there are
21 certain snippets that relate to the description of Eufora
22 which obviously his intent with respect to Eufora or
23 whatever representation was made regarding that to the
24 investors versus what he says in the transcript again is
25 relevant whether or not he believed that it was a good

J. Kaiser - Cross/La Russo

1274

1 investment and it was taking off or about to explode or
2 whether he can believe that.

3 So it clearly has relevance to the central issue
4 of the case.

5 I've analyzed it under 403 and it has high
6 probative value for reasons I've indicated, and it is not
7 substantially outweighed by any prejudice to
8 Mr. Constantine. It doesn't suggest criminal activity
9 with respect in and of itself or individuals or racing so
10 there's no inflammatory material in there.

11 With respect to any other alleged bad acts, just
12 basically it tries to demonstrate that he had no money
13 available to pay various things that he needed to the need
14 to pay, and I don't believe that's unfair prejudice to the
15 defendant, who is accused of stealing the money.

16 So I'm going to allow the government to utilize
17 those portions. If there are other portions that you want
18 in for completeness obviously I'll allow to you do that.

19 MR. LA RUSSO: I'll look at that again.

20 THE COURT: Okay. I'll see you at 1:30.

21 MR. LA RUSSO: Thank you, your Honor.

22 (Whereupon, a luncheon recess was taken at this
23 point.)

24 (Continued on next page.)

25

1 **A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N**

2 (Time noted: 1:45 p.m.)

3 THE CLERK: All rise.

4 THE COURT: Everyone be seated.

5 How long is the next witness going to be?

6 MS. KOMATIREDDY: Approximately 20 minutes, Your
7 Honor.

8 THE COURT: Why don't we bring in Mr. Kaiser now,
9 just so we don't have to take another break then.

10 Okay, not here.

11 Let's bring in the jury.

12 MR. MISKIEWICZ: Your Honor, will you advise the
13 jury that we are taking a witness out of turn.

14 THE COURT: Yes.

15 THE CLERK: All rise.

16 (Whereupon the jury enters the courtroom at 1:50
17 p.m.)

18 THE COURT: Please be seated.

19 Members of the jury, we are going to take a witness
20 out of order who is an out of town witness and not available
21 next week. I think he will be relatively brief. I want to
22 make sure we get him in today. We will call him in and then
23 we will reconvene with Mr. Kaiser's cross with Mr. LaRusso.
24 The order of witnesses is not important. So we'll proceed in
25 that fashion.

GONYA-DIRECT-KOMATIREDDY

1276

1 Who is the next witness?

2 MS. KOMATIREDDY: The government calls Patrick
3 Gonya.

4 THE CLERK: Please raise your right hand.
5 (Witness sworn.)

6 THE WITNESS: I do.

7 P A T R I C K G O N Y A
8 called as a witness, having been first
9 duly sworn, was examined and testified
10 as follows:

11 THE CLERK: State your name.

12 THE WITNESS: Patrick Gonya, G-O-N-Y-A.

13 THE COURT: Be seated, Mr. Gonya. Keep your voice
14 up.

15 DIRECT EXAMINATION

16 BY MS. KOMATIREDDY:

17 Q Good afternoon.

18 A Good afternoon.

19 Q What do you do for a living?

20 A I'm an attorney.

21 Q Where do you work?

22 A I practice in Miami, Florida.

23 Q What's the name of your firm?

24 A Carey Rodriguez O'Keefe Milian & Gonya.

25 Q Is that previously named Carey Rodriguez Greenberg &

GONYA-DIRECT-KOMATIREDDY

1277

1 Hall?

2 A It was.

3 Q During the year 2009 that was the name of the firm?

4 A Yes.

5 Q Did you work there at the time?

6 A Yes.

7 Q Where was the firm's office located?

8 A 1395 Brickell Avenue in Miami, Florida.

9 Q How long have you worked as a part of this firm?

10 A I've been a partner there since 2009.

11 Q What is the nature of your practice?

12 A Civil or commercial litigation.

13 Q Was there a time you represented an individual named
14 Tommy Constantine?

15 A Yes.

16 Q Do you see that person in the courtroom today?

17 A Yes.

18 Q Please point him out, and identify him by an article of
19 clothing?

20 A Mr. Constantine is right there (indicating).

21 MR. LaRUSSO: We agree to the identification, Your
22 Honor.

23 THE COURT: Okay.

24 Q Approximately what time frame did you represent Mr.
25 Constantine?

GONYA-DIRECT-KOMATIREDDY

1278

1 A It would have been March of 2009 until, I believe, June
2 of 2010.

3 Q How did you come to represent him?

4 A He was referred to me by a friend.

5 Q I'll show you what is marked as Government Exhibit 3397.
6 Do you recognize this?

7 A Yes.

8 Q What is that?

9 A This is a copy of my firm's engagement letter with
10 Mr. Constantine and a company called Tommy Constantine Racing
11 LLC.

12 Q What is its date?

13 A The date of the letter is February 20, 2009.

14 Q Just turning to the last page, is this document signed by
15 Mr. Constantine?

16 A It is signed. And I believe that is his signature, yes.

17 Q Did you receive this document from Mr. Constantine?

18 A I did.

19 Q In what form?

20 A By e-mail.

21 Q What's the date of the signature?

22 A March 6, 2009.

23 MS. KOMATIREDDY: The government moves Government
24 Exhibit 3397 into evidence.

25 MR. LaRUSSO: No objection, Your Honor.

1 MR. HALEY: No objection.

2 THE COURT: 3397 is admitted.

3 (So marked as Government Exhibit 3397 in evidence.)

4 MS. KOMATIREDDY: Displaying on the screen for the
5 jury.

6 Q Can you describe for us the purpose of this document?

7 A This document reflects the terms of my firm's engagement
8 to represent Tommy Constantine Racing LLC and Tommy
9 Constantine personally in a commercial litigation matter.

10 Q When did the representation begin?

11 A I would have had discussions with Mr. Constantine
12 sometime prior to February 20, 2009. But the actual
13 representation would have commenced when he signed the
14 engagement letter on March 6, 2009.

15 Q Now, based on public information, can you describe the
16 nature of the dispute that was the center of the
17 representation?

18 A This was a lawsuit brought by a company called Pruitt --

19 MR. LaRUSSO: Your Honor, may I have a side-bar on
20 this, please?

21 MS. KOMATIREDDY: I can rephrase.

22 MR. LaRUSSO: Just a minute.

23 (Whereupon a side-bar conference was conducted.)

24 (Matter continued on the next page.)

25

1 (Side-bar conference.)

2 MR. LaRUSSO: That was an allegation made before
3 this case. I want to make sure that that doesn't come out at
4 all during this. And if you want to lead to avoid it, I'm
5 fine with that.

6 MS. KOMATIREDDY: I instructed the witness not to
7 use the word "fraud."

8 THE COURT: Why don't you lead him enthusiastically.

9 MS. KOMATIREDDY: Sure.

10 (Whereupon the side-bar conference was concluded.)

11 (Matter continued on the next page.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GONYA-DIRECT-KOMATIREDDY

1281

1 (Matter continued in Open Court.)

2 CONTINUED DIRECT EXAMINATION

3 BY MS. KOMATIREDDY:

4 Q Mr. Gonya, the dispute at the center of this lawsuit
5 involve Mr. Constantine's racing team. Is that fair?

6 A That is correct.

7 Q And Mr. Constantine personally?

8 A Yes.

9 Q The other side of the lawsuit, Pruitt Enterprises,
10 represented another race entity. Is that fair?

11 A I wouldn't describe it quite like that. It was a
12 sponsorship agreement.

13 Q Sponsorship agreement?

14 A Yes.

15 Q So the dispute involved a sponsorship agreement involving
16 the racing cars?

17 A Yes.

18 Q Let's just walk through the document. Turning your
19 attention to the first paragraph. Just to be clear, who are
20 you representing in connection with this lawsuit?

21 A Tommy Constantine Racing LLC and Tommy Constantine
22 personally.

23 Q The next paragraph, please read that.

24 A Yes.

25 Q Now, turning to the third paragraph, could you read the

GONYA-DIRECT-KOMATIREDDY

1282

1 first line for us?

2 A "Our only clients in this matter are Tommy Constantine
3 Racing LLC and you personally."

4 Q Read the rest of the paragraph?

5 A "We are not representing any of Tommy Constantine Racing
6 LLC's current or future affiliates in this matter, nor are we
7 representing any other individual partners, members, managers,
8 shareholders, principals, officers, or directors of Tommy
9 Constantine Racing LLC in this matter."

10 Do you want me to continue?

11 Q Please do.

12 A "As you know, we are not precluded from representing any
13 of the other individual partners, shareholders, principals,
14 officers, directors, current affiliates or future affiliates
15 of Tommy Constantine Racing LLC assuming there is no conflict
16 of interest, but any such representation requires a separate
17 engagement letter."

18 Q Did Mr. Constantine ever execute a separate engagement
19 agreement with you or your firm?

20 A No.

21 Q So it's fair to say that any legal services you were
22 providing to Mr. Constantine pertained to this engagement
23 involving the dispute with Pruitt Enterprises?

24 A That is correct.

25 Q Did you ever represent any professional hockey players in

GONYA-DIRECT-KOMATIREDDY

1283

1 connection with this matter or Mr. Constantine?

2 A No.

3 Q As part of your representation, did you do any legal work
4 pertaining to real estate development projects in Hawaii?

5 A No.

6 Q As part of your representation, did you do any legal work
7 on behalf of the company Eufora?

8 A No.

9 Q As part of your representation, did you do any legal work
10 to help sue or to sue an individual named Ken Jowdy?

11 A No.

12 Q As part of your representation, did you do any legal work
13 pertaining to the real estate development project in Mexico?

14 A No.

15 Q Were you paid for the work you did do?

16 A Most of the work we did, yes.

17 Q I'm going to hand you what's been marked Government
18 Exhibit 3321. Take a look at that.

19 (Handing.)

20 Q Do you recognize that?

21 A I do.

22 Q What is it?

23 A This is a copy of a trust ledger from my firm.

24 Q What kind of information is contained on that?

25 A It contains information with respect to the Tommy

1 Constantine Racing LLC matter, showing the dates that we
2 received payments.

3 Q What is the information that this record created?

4 A Well, we use a -- we use a software, accounting software.
5 So the information is inputted contemporaneous with the
6 transactions that are identified on the document.

7 Q Is that information that's recorded in the ordinary
8 course of business?

9 A Yes.

10 Q Is it kept in the ordinary course of business?

11 A Yes.

12 MS. KOMATIREDDY: The government moves 3321 into
13 evidence.

14 MR. LaRUSSO: I apologize. May we have a brief
15 side-bar.

16 (Whereupon a side-bar conference was conducted.)

17 (Matter continued on the next page.)
18
19
20
21
22
23
24
25

1 (Side-bar conference.)

2 MR. LaRUSSO: I will object if some of these
3 payments had nothing to do with monies coming from the Global
4 Settlement Fund. I think these payments, many of them don't
5 come from it. Possibly only one.

6 THE COURT: What's the relevance of the payments?

7 MS. KOMATIREDDY: Those three payments, they come
8 from Ron Richards' account and they come from Eufora. If this
9 helps resolve the issues, I can create a redacted version.

10 THE COURT: Clear it from the screen. Have him read
11 it from the redacted version.

12 MR. LaRUSSO: I should have done it before. I
13 apologize. I didn't even think about it until now. I
14 apologize.

15 MS. KOMATIREDDY: Yes, Your Honor.

16 (Whereupon the side-bar conference was concluded.)

17 (Matter continued on the next page.)
18
19
20
21
22
23
24
25

GONYA-DIRECT-KOMATIREDDY

1286

1 (Matter continued in Open Court.)

2 THE COURT: Mr. Haley, any objection?

3 MR. HALEY: No objection.

4 THE COURT: 3321 is admitted, although it's going to
5 be redacted.

6 (So marked as Government Exhibit 3321 in evidence.)

7 THE COURT: I'll explain what redaction is.

8 Redaction is when a certain portion of the document is blocked
9 out because we made a determination that the other portion are
10 not relevant to the case. The jury is not allowed to
11 speculate about whatever is blocked out. It has nothing to do
12 with the case. So I've asked the prosecutor, rather than put
13 it up on the screen with everything blocked out, to just have
14 the witness read the entries that are relevant for purposes of
15 the case.

16 MS. KOMATIREDDY: Thank you, Your Honor.

17 CONTINUED DIRECT EXAMINATION

18 BY MS. KOMATIREDDY:

19 Q I'm going to have you read from the document.

20 A Okay.

21 Q Starting with May 12th, 2009, how much did your firm
22 receive from Mr. Constantine on that date?

23 A The letter reflects \$8,000.

24 Q Do you know where that payment came from?

25 A I don't remember off the top of my head.

GONYA-DIRECT-KOMATIREDDY

1287

1 Q Is there anything that would refresh your recollection?

2 A Yeah, bank accounts.

3 Q I'm handing you what's been marked as 3322, 3323, and
4 3324. Looking at May 2009, does that refresh your
5 recollection?

6 A May 12th, 2009.

7 Q Correct. May 12th, 2009, where did the payment made on
8 Mr. Constantine's behalf come from?

9 A From the Law Office of Ronald Richards.

10 Q Looking back at the ledger, 3321, how much did your firm
11 receive on Mr. Constantine's behalf on October 13th, 2009?

12 A \$15,000.

13 Q Where did that payment come from?

14 A I don't remember off the top of my head.

15 Q I'm going to direct your attention to 3223.

16 A Law Offices of Ronald Richards.

17 Q Back to the ledger. On October 28th, 2009, how much did
18 your firm receive on behalf of Mr. Constantine?

19 A \$3,677.40.

20 Q If you look back at 3323, where did that payment come
21 from?

22 A The Law Office of Ronald Richards.

23 Q Lastly, looking at December of 2009 on your ledger, how
24 much did your firm receive on Mr. Constantine's behalf on
25 December 12, 2009?

GONYA-DIRECT-KOMATIREDDY

1288

1 A \$13,377.57.

2 Q Directing your attention to what is identified as 3324-A,
3 where did that payment come from?

4 A From Alliance Bank on behalf of Eufora LLC.

5 Q Lastly, back to the ledger, how much did your firm
6 receive on Mr. Constantine's behalf on December 15th, 2009?

7 A \$15,000.

8 Q Where did that payment come from?

9 A From Alliance --

10 THE COURT: Just so the record is clear, the witness
11 is now referring to the document. Yes?

12 THE WITNESS: Yes, Your Honor. 3324-A.

13 A From Alliance Bank on behalf of Eufora LLC.

14 Q What was the purpose of each of the payments that we just
15 reviewed?

16 A To pay for my firm's invoices.

17 Q Were you present -- during your engagement, your
18 representation of Mr. Constantine, were you present for any
19 depositions?

20 A Yes.

21 MS. KOMATIREDDY: I'm going to hand you what has
22 been marked as Government's Exhibit 8021-R.

23 (Handing.)

24 Q Did you have a chance to review that before you came to
25 court today?

GONYA-DIRECT-KOMATIREDDY

1289

1 A Yes.

2 Q What is that document?

3 A This is a portion of some of the certified transcript of
4 Mr. Constantine.

5 Q What date is that deposition heard on?

6 A April 23rd, 2009.

7 Q Were you present for the deposition?

8 A Yes.

9 MS. KOMATIREDDY: Government moves 8021-R into
10 evidence. We have 8021-C, the full certified copy available
11 for the Court.

12 THE COURT: Other than what we already discussed, is
13 there any objection?

14 MR. LaRUSSO: No, Your Honor, other than what was
15 discussed.

16 MR. HALEY: No objection.

17 THE COURT: Per the reasons previously set forth,
18 the portions contained in 8021-R are admitted into evidence.

19 (So marked as Government's Exhibit 8021-R in
20 evidence.)

21 Q I'm going to turn just to page -- the bottom of page 1.
22 It says Carey Rodriguez. Is that the firm you were working
23 with at the time?

24 A Yes.

25 Q Patrick E. Gonya, Esquire?

GONYA-DIRECT-KOMATIREDDY

1290

1 A Yes.

2 Q When this deposition was taken, was Mr. Constantine under
3 oath?

4 A Yes.

5 Q I'm going to ask you to help me read some of these
6 portions into the record. Starting on deposition page
7 Number 3, when asked the question, "Tell us your name," how
8 did Mr. Constantine respond?

9 A "Tommy Constantine."

10 Q "And where do you live?"

11 A "In Scottsdale, Arizona. I am about to move out of the
12 house that I'm in. So I can give you that address, but it
13 won't be valid in a few days."

14 Q "Do you have an address that will be valid in the
15 foreseeable future?"

16 A "Frankly, no, not yet."

17 Q "What is your address now?"

18 A "18290 North 93rd Place, Scottsdale, 85255."

19 Q "Okay. Is that a house or apartment?"

20 A "It's a house."

21 Q "Who owns it?"

22 A "The bank. Literally the bank."

23 Q "Literally the bank?"

24 A "Yeah."

25 Q "Is it a house that you purchased at one time?"

GONYA-DIRECT-KOMATIREDDY

1291

1 A "Yes. Yes."

2 Q "And where are you moving to?"

3 A "I don't know yet."

4 Q And again, this deposition takes place on April 23rd,
5 2009, right?

6 A Correct.

7 Q Starting at the bottom of page 4, line 25 (reading):

8 "QUESTION: What in the last five years -- what have
9 you done for employment?"

10 How does Mr. Constantine respond?

11 A "Well, I bought and sold real estate. And I created
12 sponsorship and racing programs that sometimes allowed me to
13 have spending money, so to speak. Travel money. Racing was
14 never a profitable endeavor for me, so... And then I created
15 a couple of businesses, but they have not made a profit as of
16 yet."

17 Q "What are the businesses that you presently have?"

18 A "Eufora, which is a prepaid Mastercard."

19 Q "Spell it."

20 A "E-U-F-O-R-A."

21 Q "Do you own that?"

22 A "I own part of it, yes."

23 Q "Is that an LLC or an Inc. or?"

24 A "It's an LLC. But it's unfortunately not..."

25 Q "Not what?"

GONYA-DIRECT-KOMATIREDDY

1292

1 A "Really, I mean, I was going to say it's not worth
2 mentioning. But I mean that in the sense that it's not a
3 profitable endeavor."

4 Q "Was it at sometime?"

5 A "No. It never has been to date."

6 Q Turning to what's marked as page 7 of the deposition
7 transcript. (Reading:)

8 "And in the last five years then, you've had
9 Tommy Constantine Racing LLC and Eufora LLC, and those are the
10 only two business you had."

11 How does Mr. Constantine respond?

12 A "I may have -- I may have tried to start other
13 businesses. So I don't recall, like, what LLCs are formed.
14 But nothing of substance."

15 Q I'm going to turn to what is marked as page 172 of the
16 deposition transcript. At the bottom, line 22, when asked
17 (reading):

18 "This says that -- well, do you have a business
19 associate named Phillip Kenner?"

20 A "He's a friend and a guy that's not involved in any of my
21 businesses, although this says that he is. But he's not, no."

22 Q Turning to page 8 of the -- what's marked on the
23 deposition as page 8. At line 11 Mr. Constantine is asked
24 (reading):

25 "And does Constantine Management Group LLC presently

GONYA-DIRECT-KOMATIREDDY

1293

1 have assets in it?"

2 How did he respond?

3 A "It used to."

4 Q "Well, let's talk about presently, today?"

5 A "No."

6 Q And just for the record, "today" is April 23rd, 2009,
7 right?

8 A That's my understanding.

9 Q (Reading):

10 "QUESTION: It holds nothing?"

11 A "No."

12 Line 16?

13 Q Line 16 and line 17. (Reading):

14 "QUESTION: It holds nothing?"

15 A "They've all been basically foreclosed on."

16 Q Moving on to line 18 onward (reading):

17 "Okay. Do you have -- I saw something. There was
18 two condos. I think in Miami Beach."

19 A "One. There was one. And then I sold it and bought
20 another one. And that's in corporation."

21 Q "Was that in your name or Constantine Management, or do
22 you know?"

23 A "I don't remember. I could probably make this simple for
24 you and tell that basically, any piece of real estate that
25 I've owned is now either in foreclosure or repossessed by the

GONYA-DIRECT-KOMATIREDDY

1294

1 bank. I own nothing anymore."

2 Q Turning to what is marked as page 15 of the deposition
3 transcript, at line 3, the question is posed (reading):

4 "What bank accounts did you have from October 1,
5 2006, through March 31, 2007?"

6 How does Mr. Constantine respond?

7 A "I have a personal account -- personal bank account at
8 Bank of America."

9 Q "In Scottsdale?"

10 A "Yes."

11 Q "And just your name, Tommy Constantine?"

12 A "Yes."

13 Q "Okay. Any other bank accounts?"

14 A "I had a Constantine Management Group bank account."

15 Q "Just one?"

16 A "I think there might have been a construction account
17 that was a sub account, but I don't really use that."

18 Q I didn't really use that?

19 A "But I didn't really use that."

20 Q (Reading):

21 "QUESTION: And Constantine Management Group's
22 accounts, where were they held?"

23 A "The same bank."

24 Q "Bank of America in Scottsdale?"

25 A "Yes."

GONYA-DIRECT-KOMATIREDDY

1295

1 Q On page 83 of the deposition transcript there appears to
2 be another reference to Constantine Management Group, is that
3 correct?

4 A Yes.

5 Q Line 18 (reading):

6 "QUESTION: Did you also use that bank account for
7 your personal business and personal needs, paying your
8 mortgage payment, paying your car payment, groceries?"

9 How did Mr. Constantine respond about the various
10 bank accounts?

11 A "No. I think I separated my personal use. Things like
12 that, car payments, mortgages, I think that was paid out of
13 Con- -- Constantine Management Group so as to separate my
14 personal finances from the racing program."

15 Q Now, Mr. Gonya, you testified that you were owed money as
16 a result of working in a legal capacity on behalf of
17 Mr. Constantine, correct?

18 A Yes.

19 Q I'm going to turn to page 199 of the deposition, line 5,
20 when asked (reading):

21 "QUESTION: How much have you paid to Patrick?"

22 Is that in reference to you, Mr. Gonya?

23 A Yes.

24 Q How does Mr. Constantine respond?

25 A "I believe 15,000 so far."

GONYA-CROSS-LaRUSSO

1296

1 Q (Reading):

2 "QUESTION: What's his hourly rate?"

3 A "I don't know."

4 Q "Are you paying him by the hour or flat fee?"

5 A "I believe I'm paying him by the hour."

6 Q "And from what business did you get the money to pay
7 Patrick, from one of your businesses or personal account?"

8 A "Well, earlier you suggested that how could I take a trip
9 to Aman, Jordan, or something if I was broke. So clearly I
10 borrowed the money. I think I already said that, which is the
11 only reason I'm answering it now."

12 Q Mr. Gonya, did you end up getting paid -- all the
13 payments that you reviewed, there were the five payments that
14 we reviewed during your testimony, did all of the payments
15 come after this deposition? In May and December of 2009?

16 A Yes. The first payment was May 12th, 2009.

17 MS. KOMATIREDDY: No further questions.

18 THE COURT: Any cross-examination?

19 MR. HALEY: I have no questions, Your Honor.

20 MR. LaRUSSO: I have a few questions.

21 CROSS EXAMINATION

22 BY MR. LaRUSSO:

23 Q Good afternoon. How are you?

24 A I'm fine. Good afternoon.

25 Q You testified that you represented Mr. Constantine in

GONYA-CROSS-LaRUSSO

1297

1 regards to a lawsuit in Florida, correct?

2 A Yes.

3 Q Where was that pending?

4 A Palm Beach County.

5 Q At the time, was Mr. Constantine residing in Arizona at
6 the time?

7 A I believe so.

8 Q Did Mr. Constantine have any difficulty, as you recall,
9 traveling to Florida from time-to-time to deal with this suit?

10 A I'm not sure what you mean by difficulties.

11 Q Did he have any difficulty making court appearances when
12 he was scheduled to appear?

13 A I don't recall.

14 Q Do you recall on any occasions when Mr. Constantine did
15 not appear in person but had to appear telephonically?

16 A I don't believe so during my representation. I recall
17 him telling me, in connection with the representation before,
18 that he had to appear telephonically.

19 Q It's not unusual for a case which is called to have a
20 client call in as opposed to make a personal appearance, is
21 that correct?

22 A Well, it depends if the judge will allow it.

23 Q That's correct.

24 A In a civil case, it happens if there's a problem with
25 travel, yes.

GONYA-CROSS-LaRUSSO

1298

1 Q Do you remember any occasion when Mr. Constantine did not
2 appear, was actually sanctioned by the court?

3 A Again, that was prior to my representation.

4 Q You have knowledge of it?

5 A My understanding is that it did happen, yes.

6 Q When you say sanctioned, do you understand that to mean
7 that the plaintiff's legal fees which were incurred for that
8 particular court hearing were ordered paid?

9 A That is my understanding, correct.

10 Q Do you recall approximately \$3,000 in legal fees?

11 A I don't remember the amount, but that sounds about right.

12 Q I have a few questions about the plaintiff, if I may. Do
13 you know if, in this particular case, the plaintiff garnished
14 Mr. Constantine's wages, to the extent that he had wages to
15 garnish?

16 A What I recall is that there was a writ of garnishment
17 served on his bank account that was either owned or controlled
18 by Mr. Constantine.

19 Q That was the Eufora bank account?

20 A I don't recall which one it was. It may have been.

21 Q When a company, in your experience, if you know, receives
22 such an order of garnishment, does the company need to comply?

23 MS. KOMATIREDDY: Objection. It calls for a legal
24 conclusion.

25 THE COURT: If he knows, he can answer that

GONYA-CROSS-LaRUSSO

1299

1 question.

2 A Typically, a court order should apply. Some portion of
3 it may be sanctionable.

4 Q If there is a subpoena issued in a civil case, my client,
5 as the recipient, has an obligation to either comply or move
6 to quash it?

7 A Correct.

8 Q In regards to failure of the company to either -- or the
9 failure of the company to comply with the garnishment order or
10 the subpoena, what happens?

11 A Again, you're talking typically?

12 Q Please, in your experience.

13 A He'll either be subject to some type of a sanction or
14 payment on account.

15 Q Mr. Constantine was deposed in this case. You read
16 portions of that deposition, is that correct?

17 A Correct.

18 Q That deposition took place in Florida, I believe you
19 said.

20 A Palm Beach County, yes.

21 Q Do you remember during the deposition if the plaintiffs
22 lawyer questioned Mr. Constantine about Eufora?

23 A Yes.

24 Q Do you know why the plaintiff was questioning
25 Mr. Constantine about Eufora?

GONYA-CROSS-LaRUSSO

1300

1 MS. KOMATIREDDY: Objection.

2 THE COURT: Sustained.

3 Q What were the questions that you recall being asked of
4 Mr. Constantine about Eufora?

5 MS. KOMATIREDDY: Objection.

6 THE COURT: If you want to offer part of the
7 transcript, I'll allow you to do that. We have portions here.

8 MR. LaRUSSO: Let me see if I can rephrase the
9 question. I don't really need to go through those.

10 THE COURT: Yes.

11 Q Would it be a fair statement to say that the plaintiff
12 showed some interest in Eufora and its relationship with
13 Mr. Constantine, as a general -- as a general statement?

14 A Again, I can't recall specifically what the plaintiff's
15 lawyer asked of Mr. Constantine about Eufora. I know it came
16 up. But I don't remember much more than that.

17 Q Would you say that the lawsuit that was being brought
18 against my client in some respects involved Eufora?

19 MS. KOMATIREDDY: Objection.

20 A No.

21 THE COURT: Overruled.

22 THE WITNESS: Sorry.

23 THE COURT: That's okay. I overruled the objection.
24 If there's an objection next time, wait.

25 THE WITNESS: I will. I should know that.

1 Q Mr. Gonya, do you recall Mr. Constantine at anytime
2 mentioning there were a series of lawsuits ever occurring
3 simultaneous to the one that you were involved in, but they
4 were involved in Arizona involving hockey players?

5 MS. KOMATIREDDY: Your Honor, I just want to --
6 given the nature of the question, I believe that it involves a
7 legal issue. Mr. LaRusso just asked about communications
8 between attorneys.

9 THE COURT: Why don't you approach.

10 (Whereupon a side-bar conference was conducted.)

11 (Matter continued on the next page.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Side-bar conference.)

2 MR. LaRUSSO: I'm trying to be as specific as I can.

3 MS. KOMATIREDDY: I didn't want to object, but I
4 just didn't want him to waive privilege.

5 THE COURT: You could ask him if they told him about
6 the lawsuits. I'm not sure what the relevance is.

7 MS. KOMATIREDDY: We did not ask for privileged
8 communications on our examination.

9 MR. LaRUSSO: Most of these questions are what my
10 client told him. Like you said, that may open the door to
11 those kinds of questions. I just want to make sure we don't
12 have another objection coming.

13 Okay. I have a couple more questions, Judge.

14 (Matter continued on the next page.)
15
16
17
18
19
20
21
22
23
24
25

Gonya - Cross/LaRusso

1303

1 (The following takes place in open court.)

2 BY MR. LARUSSO:

3 Q. Are you aware if Mr. Constantine's deposition was
4 provided by the plaintiff's attorney to any other lawyer
5 especially in regards to any other suits especially in
6 Arizona, do you have any recollection of that?

7 A. I do have a vague recollection, but I can't say with
8 certainty if that occurred.

9 I remember there was some type of an article, a
10 newspaper article that was published right around the
11 time, maybe the day of or the day before Mr. Constantine's
12 deposition, and I remember something about disclosing
13 information in connection with another lawsuit.

14 Q. Information that was developed in the deposition?

15 A. This was before the deposition was actually taken.
16 It was the day of the deposition.

17 Q. When you received the funds from Mr. Constantine from
18 the Ron Richards' account, did you have any knowledge into
19 where or who that money came from other than the
20 information that it came from Ron Richards' account?

21 A. No.

22 Q. And do you have any idea whose money that was before
23 it was wired to you, other than the fact that it came from
24 a Ron Richards' account?

25 A. No.

Gonya - Cross/LaRusso

1304

1 Q. And you know a client account is sometimes referred
2 to as an escrow account? Are they different, a client
3 account as opposed to an escrow account?

4 A. In Florida, under our professional rules, we have an
5 IOLA account which is a trust account.

6 Q. What is the purpose of that?

7 A. To receive monies in trust on behalf of a client.

8 Q. For one individual or could it be for other
9 individuals, more than one client?

10 A. I'm not sure I understand your question.

11 Q. Is the account specific to a client or can you use it
12 for the purposes of representing separate clients?

13 A. Well, we would segregate amounts, sub accounts for
14 clients.

15 Q. But the money is going into the IOLA account
16 initially?

17 A. Correct.

18 MR. LARUSSO: I have no further questions, your
19 Honor.

20 Oh, one more if I may. I apologize.

21 BY MR. LARUSSO:

22 Q. Do you recall the plaintiff's attorney ever asking in
23 the deposition for Mr. Constantine to make a distinction
24 between not profitable and not valuable?

25 MS. KOMATIREDDY: Objection.

Gonya - Cross/LaRusso

1305

1 I wouldn't object to the actual transcript if
2 there's a question of that sort.

3 THE COURT: Sustained.

4 BY MR. LARUSSO:

5 Q. Do you know the difference between not profitable and
6 not valuable?

7 A. I'm not sure I understand.

8 MR. LARUSSO: Okay. Thank you.

9 MS. KOMATIREDDY: No redirect, your Honor.

10 THE COURT: You can step down, Mr. Gonya.

11 Thank you.

12 (The witness steps down.)

13 THE COURT: Members of the jury, we will take a
14 five minute break before we reconvene with Mr. Kaiser.
15 Just a quick break.

16 (The jury is excused.)

17 THE COURT: Please be seated.

18 First, with respect to the e-mail that
19 Mr. LaRusso is seeking to admit, I'm sustaining the
20 objection by both the government and Mr. Haley.

21 It's clearly hearsay to the extent that
22 Mr. LaRusso is trying to offer this as Mr. Constantine's
23 state of mind.

24 Similar to the e-mail that Mr. Haley sought to
25 introduce a couple of days ago with respect to another

Gonya - Cross/LaRusso

1306

1 witness, the same ruling applies with respect to this.

2 The e-mail in 2010 where Mr. Constantine is
3 essentially blaming Mr. Kenner with respect to this 20
4 percent investment, whatever this may reflect about
5 Mr. Constantine's state of mind in June 2010 with respect
6 to that, it has no probative value as relates to the
7 allegations in the complaint -- in the indictment which
8 relate to Eufora which all occurred as stated in
9 paragraphs 12 through 14 in February 2008 and May 2009
10 relating to representations that were made, and then
11 diversions of what the government says are unauthorized
12 purposes, the diversion of money for unauthorized purposes
13 which again took place between December 2008 with the
14 latest date being December 2009.

15 I don't think this e-mail has any probative
16 value as relates to whether or not monies were diverted
17 during an earlier time frame. This is after the fact.

18 It relates to a discussion of percentage
19 interest in Eufora that has nothing to do with the alleged
20 diversion that took place with respect to Mr. Constantine,
21 and it's an effort for Mr. Constantine to describe what he
22 thinks Mr. Kenner did, so it's hearsay.

23 It doesn't reflect Mr. Constantine's state of
24 mind as to the allegations against him with respect to the
25 diversions of money, so I believe it has no probative

J. Kaiser - Cross/LaRusso

1307

1 value with respect to his state of mind and any probative
2 value is substantially outweighed by the danger of unfair
3 prejudice not just to Mr. Kenner but with respect to the
4 jury being confused about why this e-mail relates to
5 anything with respect to what they need to decide.

6 So I'm sustaining the objection to that. I do
7 want to bring Mr. Kaiser in with respect to the tape, so
8 why don't we bring him in.

9

10 JOHN KAISER,

11 called as a witness, having been previously
12 duly sworn, was examined and testified further
13 as follows:

14

15 THE COURT: Have a seat, Mr. Kaiser.

16 Sir, have you had a chance to review a larger
17 portion of that recording?

18 THE WITNESS: Yes.

19 THE COURT: Based upon that review of a more
20 substantial portion of the recording, are you able to
21 identify whether or not that's you speaking on that?

22 THE WITNESS: Yes.

23 THE COURT: Is it?

24 THE WITNESS: Yes.

25 THE COURT: Okay.

J. Kaiser - Cross/LaRusso

1308

1 So I will allow Mr. LaRusso to question to the
2 limited degree we talked about, Mr. LaRusso, with respect
3 to that snippet without introducing it into evidence.

4 You can ask him whether or not he's reviewed a
5 tape during the break and whether it refreshes his
6 recollection as to what he said about it.

7 MR. LARUSSO: What I intend to do is like what
8 the Court said. I'll ask if he listened to the tape, does
9 it refresh his recollection as to a conversation with
10 Mr. Constantine. And to avoid any problems, I'll ask him
11 just the question do you remember Mr. Constantine saying
12 and you responding and there's one other portion and
13 that's it.

14 THE COURT: Okay.

15 MR. MISKIEWICZ: Your Honor, what other portion?

16 MR. LARUSSO: The one I mentioned.

17 THE COURT: The portion that's on that one
18 sheet. He wants to put it in context.

19 MR. LARUSSO: You don't want to play the tape.
20 I understand that. As long as he's made the
21 identification.

22 THE COURT: How much longer do you have then?

23 MR. LARUSSO: I was hoping, judge, to be done.
24 I hope to get done this afternoon by 4:30 but I have been
25 looking at my notes over lunch and knowing how

J. Kaiser - Cross/LaRusso

1309

1 deliberative it's been, I can't estimate it by 4:30. I
2 hope to.

3 THE COURT: Let's be efficient.

4 MR. LARUSSO: I'll try, judge. I promise.

5 THE COURT: Let's bring in the jury.

6 MR. MISKIEWICZ: Your Honor, may be approach?

7 (Continued on next page.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

J. Kaiser - Cross/LaRusso

1310

1 (The following takes place at sidebar.)

2 MR. MISKIEWICZ: Your Honor, insofar as counsel
3 is going to be reading from a transcript that he's now
4 marked, I object to the reading of any of the statements
5 by Mr. Constantine essentially for the same reason we
6 objected to the gmail account, because it's again his
7 post-fraud statements, they're hearsay and I don't believe
8 that they're necessarily to put the statements that
9 Mr. Kaiser would admit he said about Mr. Jowdy into
10 context.

11 THE COURT: It's a close question, but to put
12 what Mr. Kaiser said in context, I'll allow him to put it
13 in. It's mostly Mr. Kaiser doing the talking. The
14 snippets of what Mr. Constantine says are very limited. I
15 don't think there's any prejudice to allowing those in so
16 that he can frame what Mr. Kaiser said.

17 MR. LARUSSO: So I don't run afoul of the
18 understanding of the court's directive, I'm going to ask
19 him do you remember being asked this question and giving
20 this answer and I'll keep moving on so we don't have to
21 play the tape.

22 THE COURT: That's fine.

23 (Continued on next page.)
24
25

J. Kaiser - Cross/LaRusso

1311

1 (The following takes place in open court.)

2 (The jury is present.)

3 THE COURT: Please be seated, members of the
4 jury.

5 Go ahead, Mr. LaRusso.

6 MR. LARUSSO: With the Court's permission.

7

8 BY MR. LARUSSO:

9 Q. Mr. Kaiser, have you had an opportunity to listen to
10 a taped conversation?

11 A. Yes.

12 Q. And after listening to that taped conversation, does
13 it refresh your recollection that Mr. Constantine remarks;
14 do you know what that makes me think about? Don't you
15 wonder if any of that shit that we, and then you reply Ken
16 Jowdy, Ken Jowdy is a thief.

17 Does that refresh your recollection?

18 A. Yes.

19 Q. And that was said by you in response to
20 Mr. Constantine's remark?

21 A. Yes.

22 Q. And you also remember, after listening to the tape,
23 that Mr. Constantine's saying; I know you think that, and
24 I'm not saying you're wrong, and you, Mr. Kaiser, reply I
25 know, I know.

J. Kaiser - Cross/LaRusso

1312

1 Did you also make those remarks to
2 Mr. Constantine; I know, I know?

3 A. If that's what was said on the tape. I wasn't
4 focusing -- I was focusing --

5 Q. You don't dispute the fact that you did respond to
6 him in that way; is that correct?

7 A. It was 15 minutes that I listened to.

8 Q. Do you remember Mr. Constantine saying; listen, I'm
9 not saying you're wrong, I'm not saying you're wrong, I,
10 but I don't know, but I don't know Jowdy, I don't know.
11 Do you really know that?

12 And you reply yes.

13 And Mr. Constantine says, how do you know that?
14 'Cause I want to know.

15 And then you respond. I, I really know that
16 because I met him 10 years ago from how things played out.
17 I really, he is, he's a guy who had fucking nothing. He
18 showed that he was some fucking billionaire that he was,
19 that he was, he was -- the fucking guy, he was a busboy.

20 Do you recall that?

21 A. Yes.

22 Q. Those were your comments to Mr. Constantine at that
23 time?

24 A. Yes.

25 Q. And lastly do you remember Mr. Constantine saying but

J. Kaiser - Cross/LaRusso

1313

1 that's what you guys think of me. That's what you guys
2 are saying about me right now. You know that, right? You
3 guys are saying the same thing about me. I got no money
4 in Eufora. I didn't do anything. I, all this other and
5 then you reply, and he manipulated? What? You asked me
6 about Ken Jowdy.

7 That was the remainder of the conversation that
8 you had with Mr. Constantine at this time; is that
9 correct?

10 A. Like I said, there was more on the tape.

11 Q. But did this occur, this conversation did take place?

12 A. Yes.

13 Q. So would you agree with me that when you testified
14 earlier that you didn't use the words or -- withdraw that.

15 Did you not use the words Mr. Jowdy is a thief?
16 This refreshes your recollection and in fact you did use
17 those words; is that correct?

18 A. Yes.

19 Q. So correct me if I'm wrong, would it be your
20 testimony that the only reason you thought Mr. Jowdy had
21 stolen or misappropriated the money was because Mr. Kenner
22 told you so; is that correct?

23 A. No.

24 Q. Do you remember testifying earlier this morning and
25 responding yes to that question?

J. Kaiser - Cross/LaRusso

1314

1 A. No.

2 Q. We'll let the record stand, okay, Mr. Kaiser?

3 MR. MISKIEWICZ: Objection.

4 THE COURT: Sustained. Move on.

5 BY MR. LARUSSO:

6 Q. Would it be fair to say then, so the record is clear,
7 if I can, that you believe that not just because
8 Mr. Kenner said it, but other people had said it; is that
9 fair?

10 MR. MISKIEWICZ: Objection.

11 THE COURT: You can answer, Mr. Kaiser.

12 A. At what time frame are we talking about?

13 Q. At this time. At this time when you're calling
14 Mr. Jowdy a thief. Would you agree?

15 A. Before I thought you were talking about
16 Mr. Constantine. I thought we left Mr. Jowdy. If we're
17 going back, I thought we left Mr. Jowdy.

18 Q. Let me rephrase it and see where we were.

19 Is it your testimony that the only reason you
20 thought Mr. Jowdy had stolen or misappropriated money was
21 because Mr. Kenner told you so?

22 A. Yes.

23 Q. If that happens again, please ask me and we will
24 correct the record.

25 A. I thought we finished with Mr. Jowdy.

J. Kaiser - Cross/LaRusso

1315

1 Q. Just one point of clarification.

2 You testified that you made an appearance in the
3 civil suit against Mr. Jowdy in a mediation, correct?

4 A. Yes.

5 Q. Did you make any other appearances in that case such
6 as depositions?

7 A. Yes.

8 Q. How many depositions do you remember, Mr. Kaiser?

9 A. I believe it was one.

10 Q. Do you remember whose deposition was being taken at
11 the time?

12 A. It was Mr. Jowdy's.

13 Q. You appeared for that entire deposition?

14 A. I don't know if I was there the entire time, no.

15 Q. And, again, you were there basically aligned with the
16 hockey players at that point?

17 A. Yes.

18 Q. Now, I'm going to go back if I may, Mr. Kaiser, to
19 your investments in Eufora for a few moments.

20 (Pause in proceedings.)

21 Mr. Kaiser, I believe we were talking earlier
22 today about notes that you had on a piece of paper that
23 reflected what you believed to be monies of yours that
24 were put into Eufora; is that correct, by Mr. Kenner?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1316

1 Q. And just so the record is clear, you were testifying
2 that it was Mr. Kenner who provided the information and
3 you wrote it down; is that right?

4 A. Yes, that's correct.

5 Q. Would you take a look at Kenner's Exhibit 37.

6 Do you recognize that?

7 A. Yes.

8 Q. Is that the document you were referring to?

9 A. Yes.

10 Q. That's the piece of paper that contains the
11 information that you had at the time regarding what you
12 believe to be investments made into Eufora?

13 A. Yes.

14 Q. So the record is clear, this is what was provided to
15 you by Mr. Kenner?

16 A. Yes.

17 MR. LARUSSO: Your Honor, may I ask this be
18 received as Mr. Constantine's exhibit 81.

19 THE COURT: Any objection from the government?

20 MR. MISKIEWICZ: No objection.

21 MR. HALEY: Judge, for purposes of the record,
22 because it's Kenner Exhibit 37, I believe this was offered
23 into evidence yesterday.

24 THE COURT: Just to be sure, it's offered twice.

25 MR. HALEY: I have no objection, judge. Thank

J. Kaiser - Cross/LaRusso

1317

1 you.

2 THE COURT: So C-81 is admitted.

3 MR. LARUSSO: Thank you, your Honor.

4 MR. HALEY: It is marked Kenner 37. Same
5 exhibit.

6 THE COURT: Okay.

7 (Defense Exhibit C-81 in evidence.)

8 BY MR. LARUSSO:

9 Q. That's your handwriting; is that correct?

10 A. Yes.

11 Q. Just so we understand, what you noted on this
12 document are payments made or monies transmitted to
13 Constantine Management Group by Mr. Kenner on your behalf;
14 is that correct?

15 A. Yes.

16 I don't know if it was just to that account or
17 not.

18 Q. The first payment on 2/11 is 11,400. The next date
19 is 4/2.

20 That's your handwriting? Correct me if I'm
21 wrong, Mr. Kaiser.

22 A. Yes.

23 Q. For 100,000, and on 4/11 for 25,000?

24 A. Yes.

25 Q. 4/17 for 25,000?

J. Kaiser - Cross/LaRusso

1318

1 A. Yes.

2 Q. 4/24 for 100,000?

3 A. Yes.

4 Q. Do you see that?

5 A. Yes.

6 Q. That's approximately \$261,000 at the time?

7 A. Yes.

8 Q. I believe it was your testimony that initially
9 \$275,000 went in, correct?

10 A. Yes.

11 Q. So we're short a couple thousand, but that would
12 reflect what you believe to be the initial deposit that
13 went into Eufora, correct?

14 A. Yes.

15 Q. I used the word deposit. It's money that was being
16 sent to Eufora on your behalf?

17 A. Yes, that's correct.

18 Q. Now, were you involved in a suit, and I believe we
19 talked about it briefly, brought by Mr. Stolper around
20 October 2010 on behalf of the hockey players and I believe
21 it was Mr. Rizzi and Mr. Hughes were part of it as well,
22 do you remember that?

23 A. Is that the one in Arizona?

24 Q. Yeah, the one in Arizona, Mr. Kaiser.

25 A. Yes.

J. Kaiser - Cross/LaRusso

1319

1 Q. That suit ultimately got dismissed; is that correct?

2 A. Yes, I believe so.

3 Q. Do you remember, after the suit was dismissed,
4 providing the same proof that we talked about on
5 Defendant's Exhibit C-81 to your attorney Mr. Stolper?

6 A. The same proof as?

7 Q. The information that's on this, did you provide the
8 same information to your attorney after the suit was
9 dismissed?

10 A. I believe Mr. Kenner had it written down in a more --
11 almost on a spreadsheet I believe. I don't think it was
12 off that piece of paper.

13 Q. But the proof that we're talking about is proof of
14 what you believed to be over \$2 million of investments
15 into Eufora; is that correct, of yours?

16 A. Yes.

17 Q. By the way, where did that money come from?

18 A. It came from Hermosa Beach and other so-called
19 investments, other funds that were sent to Mr. Kenner over
20 the years.

21 Q. By you?

22 A. Yes.

23 Q. From your private funds?

24 A. My funds, again some family funds.

25 Q. How much of the 2.2 million was yours personally?

J. Kaiser - Cross/LaRusso

1320

1 A. I don't know. Over the years there was millions that
2 went to him.

3 Q. Did you provide documentation of all of that money to
4 the government?

5 A. Yes, I believe so.

6 Q. Now, did there come a time when you asked Mr. Stolper
7 to make a claim against Mr. Constantine -- withdraw that.

8 Did there come a time when you asked Mr. Stolper
9 to contact Mr. Constantine in regards to those investments
10 that you claim you made totaling approximately \$2 million?

11 A. No, I don't recall that.

12 Q. Would you take a look at what's been marked for
13 identification as C-63.

14 (Pause in proceedings.)

15 Have you had an opportunity, Mr. Kaiser, to look
16 at that exhibit?

17 A. Yes.

18 Q. Do you recognize it?

19 A. This looks like the first time I'm seeing this.

20 Q. Do you recall at any point in time asking Mr. Stolper
21 to write a letter on your behalf requesting clarification
22 of the \$2 million?

23 A. I don't recall at this time exactly what I asked
24 Mr. Stolper to do. I know he was working on the case. I
25 don't recall that.

J. Kaiser - Cross/LaRusso

1321

1 Q. So what you're saying is this particular letter, so
2 we're clear, you have no recollection of seeing before; is
3 that correct?

4 A. No, I don't believe I was copied on this.

5 Q. Well, do you remember, in sum and substance, asking
6 Mr. Stolper to have Mr. Constantine account for the \$2
7 million that you claim was invested into Eufora?

8 A. No.

9 Like I said, I don't recall that.

10 Q. Well, I'm going to display again C-81 in evidence.

11 I'm going to direct your attention to the first
12 five entries that we talked about.

13 Do you see those?

14 A. Yes.

15 Q. I asked you I believe earlier or you testified that
16 you do not know where that money was deposited into; is
17 that correct?

18 A. I didn't know. You were telling me it was CMG
19 account.

20 Q. I'm sorry. Sometimes it's my fault, Mr. Kaiser, when
21 I have you looking at an exhibit and your voice kind of
22 projects that way. I apologize. Could you repeat it
23 again?

24 A. I believe you told me it went to CMG account.

25 Q. Did you take a look at the exhibit C-63?

J. Kaiser - Cross/LaRusso

1322

1 Does it refresh your recollection that you were
2 told by Mr. Kenner that the monies you claim belonged to
3 you were sent to Constantine Management Group?

4 A. Yes.

5 Q. So that those first five amounts plus all the others
6 that you claim, your best recollection is that Mr. Kenner
7 advised you that it went into Constantine Management
8 Group; is that correct?

9 A. Yes, that's correct.

10 Q. I'm going to show you a copy of C-64 which you
11 identified earlier as your affidavit which you signed in
12 October 2010; is that correct, Mr. Kaiser?

13 A. Yes.

14 Q. And in 2010, directing your attention to page 2, the
15 end of the first paragraph, you represented in that
16 affidavit that Constantine directed you to wire the funds
17 into Constantine Management Group; is that correct?

18 A. Yes.

19 Q. So at this point in time you were aware that your
20 initial investments went into Constantine Management
21 Group; is that correct?

22 A. Yes, reading this.

23 Q. Well, it was your affidavit, correct? That's what
24 you said?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1323

1 Q. At page 4, paragraph 8, am I also correct that you
2 stated that in the middle of 2009 you went to the Eufora
3 office with proof of my then 2.2 million in wire transfers
4 to Eufora through CMG and other Constantine controlled
5 entities, do you see that?

6 MR. MISKIEWICZ: Objection, asked and answered
7 this morning.

8 THE COURT: We went through this this morning.
9 I remember that.

10 BY MR. LARUSSO:

11 Q. Well, Mr. Constantine -- Mr. Kaiser, let me ask you.

12 Did you have any investigation done to determine
13 if in fact the monies that you claim belong to you were
14 transferred into Constantine Management?

15 A. At that time I was relying on Mr. Kenner to tell me.

16 Q. Well, after, at any point up until today, did you
17 investigate to determine the monies that you say belong to
18 you that were deposited to Constantine Management Group
19 were in fact yours?

20 A. No. I still haven't seen some accounts.

21 Q. So you haven't seen all of the Constantine Management
22 accounts to make that determination; is that correct?

23 A. No.

24 I also haven't seen the Hermosa Beach ventures
25 accounts and I haven't seen Mr. Kenner's accounts.

J. Kaiser - Cross/LaRusso

1324

1 Q. Now, would it be fair to say that those first five
2 were made I believe you testified sometime around 2007; is
3 that correct?

4 If you need to look at your affidavit, it's the
5 second page.

6 A. I believe at the time that it was one wire.

7 Q. Well, isn't it a fact that you said that your
8 approximately \$275,000 was invested by April of 2007; is
9 that correct?

10 MR. MISKIEWICZ: Objection, asked and answered.

11 THE COURT: I'll allow that one question. You
12 can answer that. Is that what it says?

13 A. It says by April 2007.

14 Q. And we know from your own notes that you believed
15 that it was February 11, 2007, and I'm focusing on the
16 first five through April 24, 2007, correct?

17 A. Yes.

18 (Pause in proceedings.)

19 MR. LARUSSO: Your Honor, with the government's
20 permission and the court's as well, I'm just going to mark
21 a copy of Government's Exhibit 1703.

22 BY MR. LARUSSO:

23 Q. Mr. Kaiser, this document is in evidence as
24 Government's Exhibit 1703.

25 Would you take a look at 1703, particularly the

J. Kaiser - Cross/LaRusso

1325

1 monies going into the Constantine Management Group account
2 for February 1, 2007, through February 28, 2007?

3 A. Okay.

4 Q. Do you see in this any of the -- withdraw that.

5 The 2011 investment that allegedly was made on
6 your behalf for \$11,400?

7 A. 2011?

8 Q. February 11, 2007.

9 A. I see 40,000 in 2001.

10 Q. There's nothing for 2011.

11 MR. LARUSSO: Judge, I'm sorry. I'm mixing them
12 up.

13 Q. February 11, 2007.

14 I apologize, Mr. Kaiser.

15 A. I don't see anything on February 11.

16 Q. You didn't do an investigation to determine if in
17 fact that money that you claim was yours was sent to
18 Constantine Management Group, did you?

19 A. No, I didn't look at these accounts.

20 Q. Would you agree with me, looking at that Government's
21 exhibit, that monies that you were told were deposited
22 into the Eufora account on February 11, 11,400, they just
23 were not received, they are not in that account; is that
24 correct?

25 A. I don't see it in this account.

J. Kaiser - Cross/LaRusso

1326

1 Q. I'm going to direct your attention to the next four
2 and hopefully I will move along as quickly as I can.

3 (Pause in proceedings.)

4 MR. LARUSSO: Just one moment, your Honor.

5 (Pause in proceedings.)

6 MR. LARUSSO: Your Honor, the defendant offers
7 the monthly statement for Constantine Management Group for
8 the period April 1st, 2007, to April 30, 2007, by way of
9 stipulation that these are true and accurate bank records.

10 THE COURT: Correct?

11 MR. MISKIEWICZ: Yes, your Honor.

12 THE COURT: Mr. Haley, any objection?

13 MR. HALEY: I don't believe so, judge. May I
14 take a quick look?

15 THE COURT: What number is it?

16 MR. HALEY: C-66.

17 (Pause in proceedings.)

18 MR. HALEY: No objection, judge.

19 THE COURT: C-66 is admitted.

20 (Defense Exhibit C-66 in evidence.)

21 BY MR. LARUSSO:

22 Q. I'm going to focus in on the second through fifth
23 investments that you wrote down on Defendant's Exhibit
24 C-81, the 100,000, the 25, do you see those?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1327

1 Q. Mr. Kaiser, would you take a look at C-66 and tell me
2 if any of those four investments are in there.

3 (Pause in proceedings.)

4 A. You took away the sheet.

5 Q. I'm sorry?

6 THE COURT: He needs the other sheet.

7 A. I need the other sheet.

8 Q. I'm sorry.

9 (Pause in proceedings.)

10 A. I don't see it on this.

11 Q. So those four April of '07 investments do not appear
12 on the Constantine Management statement for that month; is
13 that correct?

14 A. Yes.

15 Q. Just so the record is clear, you didn't do an
16 investigation to determine whether the money you claimed
17 belonged to you was in fact deposited into the Constantine
18 Management Group account at that time; is that correct?

19 A. That's correct.

20 Q. And this is the approximate 275,000 that you got
21 invested according to Mr. Kenner sometime in 2007; is that
22 right?

23 A. Yes, according to Mr. Kenner.

24 Q. Mr. Kaiser, is it possible that maybe a mistake was
25 made?

J. Kaiser - Cross/LaRusso

1328

1 MR. MISKIEWICZ: Objection.

2 THE COURT: Sustained.

3 BY MR. LARUSSO:

4 Q. Well, let me show you what has been received in
5 evidence as 1706.

6 This is the monthly statement for Constantine
7 Management Group, April 1st of '08 through April 30, '08.
8 I want you to take a look at that.

9 (Pause in proceedings.)

10 Do you see in the April '08 statement some of
11 the monies that you were told were deposited in 2007 going
12 into Constantine Management Group on the dates in
13 question?

14 A. Yes.

15 Q. As a matter of fact, could you tell us what dates and
16 amounts seem to correspond to your notes in 2008, not
17 2007.

18 A. On 4/24, 100,000.

19 Q. Okay.

20 A. I didn't know if they were highlighted or not.

21 4/07, 100,000. That's all I see.

22 Q. You said 4/24 and what was the other date?

23 I may be able to move through this quickly. May
24 I have that for a moment.

25 I'm going to show you your notes.

J. Kaiser - Cross/LaRusso

1329

1 4/02 for 100,000, do you see that?

2 A. Yes.

3 Q. Turning to Government's Exhibit 1706, we now see that
4 investment you believe was put in in '07 appears at least
5 according to this record April 2, do you see that?

6 A. Yes.

7 Q. For 100,000?

8 A. Yes.

9 Q. Could you read to us who the beneficiary of that is?

10 A. Wire --

11 Q. That would be Constantine Management Group and it's
12 from Phil Kenner; is that correct?

13 A. That's correct.

14 Q. The next one, April 11, do you see that, 25,000?

15 A. Yes.

16 Q. So we match it up, do you see April 11, 25?

17 A. Yes.

18 Q. So the investments that you claim were in 2007 appear
19 in the following year 2008; is that right, at least for
20 these two, correct?

21 A. Yes.

22 Q. Going back to Mr. Constantine's, the Constantine
23 Management Group, April 17, there's another 25, do you see
24 that?

25 A. Yes.

J. Kaiser - Cross/LaRusso

1330

1 Q. Match that up with your handwritten notes, April 17
2 for 25?

3 A. Yes.

4 (Continued on next page.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

J. Kaiser - Cross/La Russo

1331

1 BY MR. LA RUSSO:

2 Q. Now, I'll just do one more if I may, the one that's
3 part of the 275,000. 4/24, for 100,000, you see that?

4 A. Yes.

5 Q. You told that, and again just for the record, you
6 were told in 2007 but it appears that these entries now
7 appear in the following year, 2008, correct?

8 A. Yes.

9 Q. Take a look at this one on 4/27. It's a one hundred
10 thousand dollar wire into Constantine Management Group,
11 the originator was Mr. Kenner, right?

12 A. Yes.

13 MR. MISKIEWICZ: Objection. That's not what the
14 record states.

15 THE COURT: Sustained.

16 Q. Let's talk about the highlighted portion. On April
17 24, there's \$100,000 being deposited into the Constantine
18 Management Group. Do you agree with that?

19 A. Yes.

20 Q. The originator is Mr. Kenner?

21 A. Yes.

22 MR. MISKIEWICZ: Objection.

23 Q. And there's a second name; is that correct?

24 A. Yes.

25 Q. See that?

J. Kaiser - Cross/La Russo

1332

1 A. Yes.

2 Q. K Nash, trustee, do you know who K. Nash is?

3 A. Yes.

4 Q. Who is she?

5 A. First name is Kathy Nash, that's her husband is Tyson
6 Nash, hockey player.

7 Q. And looking at this, does it refresh your
8 recollection that they had invested \$100,000 themselves?

9 MR. MISKIEWICZ: Objection.

10 THE COURT: Sustained.

11 Q. Would you agree that this is not the hundred thousand
12 dollars that was deposited into or sent to the Constantine
13 Management Group on your behalf; is that correct?

14 MR. MISKIEWICZ: Objection.

15 THE COURT: Sustained.

16 Q. Mr. Kaiser, the documents that I've shown you, they
17 contradict what you said in your affidavit, is that
18 correct, that the approximately 275,000 that you deposited
19 or you were told was deposited in your behalf on
20 Constantine Management Group was not done in 2007; is that
21 correct?

22 A. Yes.

23 Q. And in fact, one of the deposits that we examined the
24 following year wasn't even deposited on your behalf, it
25 was deposited on behalf of the Nashes; is that?

J. Kaiser - Cross/La Russo

1333

1 A. Yes, that's what it looked like.

2 Q. Now, you testified that based upon this information
3 that you were provided by Mr. Kenner, you had made a
4 demand for 20 percent of Eufora; is that correct?

5 A. Based upon what Phil Kenner said that's what him
6 and --

7 Q. But what these documents showed is that your demand
8 was for investments allegedly made in 2007 which were
9 nonexistent in 2007, correct?

10 MR. MISKIEWICZ: Objection.

11 THE COURT: Yes, sustained. These are not now
12 factual questions any longer.

13 MR. LA RUSSO: Your Honor, can we take a five
14 minute break?

15 THE COURT: We'll take the afternoon break.
16 Okay. Don't discuss the case.

17 (Whereupon, the jury retired from the
18 courtroom.)

19 MR. LA RUSSO: Thank you, your Honor.

20 THE COURT: Everyone can be seated. You can
21 take a break, Mr. Kaiser.

22 (Witness leaves the courtroom.)

23 THE COURT: Mr. La Russo, we're having like
24 these mini-summations with each witness, we can put a
25 statue up there, having the witness read the bank records

J. Kaiser - Cross/La Russo

1334

1 which he has no knowledge of simply goes to where his
2 money had may or may not have gone, those are summation
3 arguments. We have every witness, you did the same thing
4 with Ms. Peca, are you aware that it's not Mr. Gonchar
5 that you claim is a victim in this case.

6 You're trying through each witness a summation
7 and that extends the length of each witness exponentially.
8 You can understand I've lost -- what day we're on, is this
9 two and a half days, three days? You can't do this with
10 every witness. I'll give you as much time as you want
11 with your summation. You can't do that through witnesses.
12 He has no factual information about these bank records.
13 You're just using him to make arguments to the jury.

14 If it was a short trial, it wouldn't concern me
15 so much, but we have a lot of witnesses. Where do we
16 stand on the government's estimate with the case? I want
17 to say something to the jury at the end of the day today.

18 MR. MISKIEWICZ: We're slipping. At this stage
19 at the rate we're going, I don't see us even resting until
20 the fifth week.

21 THE COURT: We have -- each witness is on the
22 stand for two or three days. I don't know where this
23 estimate of five weeks came based upon where I'm sitting.
24 If I thought that it was necessary for each witness to be
25 on the stand for two or three days, then I would fault the

J. Kaiser - Cross/La Russo

1335

1 estimate. But I'm faulting how much time we're spending
2 with each witness. And if you combine that with going
3 into tangential issues that's why this witness is on the
4 stand for two or three days. Similar to Mr. and
5 Mrs. Peca, he's not a long-winded witness, his answers are
6 yes or no, very direct in his response. We don't have the
7 witness who's extending his testimony by virtue of his
8 narratives. He's sitting there. We have to move along,
9 okay.

10 MR. LA RUSSO: Judge, if you give me a few
11 minutes I'll look at my notes.

12 THE COURT: You have my promise, I'm not
13 limiting your summation. You can take as long as you
14 want. Okay.

15 MR. LA RUSSO: Thank you, Judge.

16 THE COURT: I promise I will not cut you off.

17 MR. LA RUSSO: Judge, I may want you to --

18 THE COURT: Mr. Haley, you look like an angel
19 over there.

20 MR. HALEY: Judge, I like the promise you made
21 about the summation.

22 THE COURT: You have the same promise.

23 MR. HALEY: I've endeavored to do so, Judge.

24 THE COURT: You're doing great.

25 (Recess taken at this point.)

J. Kaiser - Cross/La Russo

1336

1 (After recess.)

2 THE COURT: Let's bring in the jury.

3 MR. LA RUSSO: Your Honor, thank you for the
4 time. We've tried to cut it down so we can get ourselves
5 done by hopefully 4:30.

6 THE COURT: Then the government has redirect.

7 MR. HALEY: No objection.

8 THE COURT: We're making every effort to try to
9 finish you today, Mr. Kaiser.

10 THE WITNESS: Thanks.

11 THE CLERK: All rise.

12 (Whereupon, the jury entered the courtroom.)

13 THE COURT: Please be seated. Go ahead,
14 Mr. La Russo.

15 MR. LA RUSSO: Thank you, your Honor.

16 BY MR. LA RUSSO:

17 Q. Mr. Kaiser, I'm going to direct your attention to the
18 investments that were made in Eufora December of 2009.

19 I'm not going to repeat what, much of what you said, but I
20 would like to ask you, isn't it a fact that your testimony
21 was that you didn't personally invest in Eufora in
22 December of 2009; is that correct?

23 A. That's correct.

24 Q. And you also testified that the money that was sent
25 was sent to Mr. Richards' client trust account; is that

J. Kaiser - Cross/La Russo

1337

1 correct?

2 A. Yes, that's correct.

3 Q. Were you being represented by Mr. Richards at this
4 point in time?

5 A. No.

6 Q. Were you at any point working with the hockey players
7 in respect to the Jowdy suit who were represented by
8 Mr. Richards at this time?

9 A. No.

10 Q. Would it be fair to say that you knew Mr. Richards at
11 this point; is that correct?

12 MR. MISKIEWICZ: Objection.

13 THE COURT: Overruled. You can answer that.

14 A. Yes, I met him.

15 Q. And you trusted that Mr. Richards would forward the
16 funds to Eufora that you sent in December of 2009?

17 A. I was instructed by Mr. Constantine to send the
18 funds, not to Eufora but the Eufora funds to Mr. Richards.

19 A. Yes.

20 Q. Now, just to highlight, you sent wire transfers to
21 Mr. Richards account; is that correct?

22 A. Yes.

23 Q. I believe you said 150,000 on December 16th and there
24 was another wire for 50,000 on December 29th, is that
25 accurate?

J. Kaiser - Cross/La Russo

1338

1 A. Yes.

2 Q. Let me just show you what's been received in evidence
3 as Government Exhibit 1101. And those wire transfers are
4 reflected on the dates December 16th and December 29th at
5 the bottom; is that correct?

6 A. Yes. That is correct.

7 Q. And which account did you use to transfer those
8 funds, do you remember?

9 A. Which account of mine?

10 Q. Yes.

11 A. No, not offhand.

12 Q. How many accounts did you have at this time?

13 A. A couple. Maybe three or four.

14 Q. And it could have been any one of those; is that
15 correct?

16 A. Yes.

17 Q. Do you know what accounts the money came from before
18 it was received in your account? Do you understand the
19 question? It's a little confusing.

20 A. No. I don't recall which accounts it came from.

21 Q. We know that you testified that the 200,000 was made
22 up of investments by your mother, Mr. Rizzi and
23 Mr. Hughes; is that correct?

24 A. Yes.

25 Q. And you don't know which one their accounts the money

J. Kaiser - Cross/La Russo

1339

1 came from that were deposited into yours; is that correct?

2 A. That's correct.

3 Q. Did you at any point tell Mr. Constantine that this
4 money the 200,000 belonged to other people?

5 A. Yes. The three individuals, the money was coming
6 from Bob Rizzi, TR Hughes, and Delores Patrick.

7 Q. When did you tell Mr. Constantine that?

8 A. Before the money came in.

9 Q. And that was in a personal conversation or in a
10 telephone conversation?

11 A. In person.

12 Q. Where?

13 A. At the hangar.

14 Q. And who else was there at the time?

15 A. I don't recall.

16 Q. And it's your best recollection that what you told
17 him is that this \$200,000 was investments by your mother,
18 Mr. Rizzi, and Mr. Hughes; is that correct?

19 A. Yes.

20 Q. Certainly not yours?

21 A. Certainly not mine, correct.

22 Q. Okay. Let me show you a document that was displayed
23 for the jury. It's Government Exhibit JK-1.

24 MR. LA RUSSO: Only when you're in a rush,
25 Judge, does it happen.

J. Kaiser - Cross/La Russo

1340

1 THE COURT: Do you want to help him.

2 MR. LA RUSSO: This is where I need help, Judge,
3 on this. Thank you.

4 Q. Now, this a document that you identified as the
5 wiring instructions that you got regarding the 200,000; is
6 that correct?

7 A. Yes.

8 Q. Directing that the monies be going to Ron Richards'
9 account in California?

10 A. Yes.

11 Q. And then here this is your handwriting, correct?

12 A. Yes.

13 Q. Could you tell us what those two accounts are on the
14 left-hand side which begins, I believe it's a 19 and then
15 a 79 -- I'm sorry, both are seven nine. You see that?

16 A. They're my accounts.

17 Q. And what did that writing indicate or signify when
18 you placed it there?

19 A. I'm not sure.

20 Q. It says total 150,000 wire, right?

21 A. Yes.

22 Q. Could you read the three initials regarding this
23 total 150,000 that you wrote on this document?

24 A. Mom, TR and Bob.

25 Q. Would it be fair to say that you're indicating that

J. Kaiser - Cross/La Russo

1341

1 those three are part of the \$150,000 that you're referring
2 to in that wire, correct?

3 A. Yeah, I believe that's the first one wire, yes.

4 Q. Do you have a similar note indicating who the fourth
5 or the party is for the additional \$50,000?

6 A. It's the same three people.

7 Q. Do you have a document to reflect that?

8 A. I'm not sure.

9 Q. Do you know what account the other \$50,000 came from
10 that you sent to Eufora?

11 A. It was probably would have been those two.

12 Q. I'm sorry, I misspoke, I meant to Mr. Richards'
13 account?

14 A. Excuse me.

15 Q. I misspoke. I said the wrong account.

16 Do you know which account the additional \$50,000
17 came from that you forwarded to Mr. Richards' account?

18 A. It came from my, one of those two accounts I believe
19 that are on the previous page.

20 Q. It is your testimony that you had no part of this
21 investment; is that correct?

22 A. Yes, that's correct.

23 Q. How much did Mr. Rizzi invest?

24 A. I believe a third of that, of the 200.

25 Q. Do you know if that was his personal money or if it

J. Kaiser - Cross/La Russo

1342

1 it belonged to somebody else?

2 A. I believe it was his personal money.

3 Q. You don't know for a fact, do you? You're shaking
4 your head. I apologize.

5 A. No. I believe whether he sent me, wrote me a check I
6 believe it came out of one of his accounts.

7 Q. And in regards to Mr. Hughes, how much did he invest?

8 A. I believe about a third of the money.

9 Q. And to your knowledge, did all of money come from
10 Mr. Hughes or from him personally or from somebody else?

11 MR. MISKIEWICZ: Objection.

12 THE COURT: Overruled. You can answer that.

13 A. I don't know.

14 Q. And in regards to your mother, Ethel Kaiser, how much
15 did she invest?

16 A. A third.

17 Q. And do you know where her money came from?

18 A. From my mother.

19 Q. What account?

20 A. I don't recall.

21 Q. Now, Mr. Kaiser, separate and apart from the 200,000
22 that we just talked about, you also facilitated another
23 transfer for Mr. Privitello to Eufora; is that correct?

24 A. No.

25 Q. Did you talk to Mr. Privitello in regards to his

J. Kaiser - Cross/La Russo

1343

1 investment?

2 A. Yes.

3 Q. Did you know that he was depositing or investing
4 \$200,000 in Eufora?

5 A. Yes. He was talking with Mr. Constantine on that.

6 Q. Do you know if his money came from him personally or
7 from somebody else?

8 A. I believe from him personally.

9 Q. Prior to actually investing in Eufora Mr. Kaiser, did
10 you have a conversation with Mr. Constantine where he
11 explained what the money would be used for?

12 A. Yes.

13 Q. Would it be fair to say that he told you that the
14 company had a loan outstanding that had to be paid?

15 A. Yes, we had conversations about a loan.

16 Q. And that Mr. Constantine also explained that it's
17 part of the loan the assets of the company including the
18 patents had to be pledged as collateral?

19 A. No. Never.

20 Q. Well, did he tell thought company had outstanding
21 invoices, bills that had to be paid from one of its
22 issuing banks?

23 A. No.

24 Q. Let me show you what's marked for identification as
25 C-72. (Handing.)

J. Kaiser - Cross/La Russo

1344

1 Would you examine that, please.

2 A. Yes.

3 Q. Previously you testified you communicated with
4 Mr. Constantine by e-mail, right?

5 A. Yes.

6 Q. As well as in person?

7 A. Yes.

8 Q. And do you recognize that is one of the e-mails that
9 you and he used to communicate information?

10 A. Yes.

11 Q. And this e-mail was one was sent to you on November
12 25, 2009; is that correct?

13 A. Yes.

14 Q. And that would be about maybe three weeks before the
15 first investment was made by you?

16 A. It wasn't made by me.

17 Q. You wired it into --

18 A. Yes.

19 Q. Mr. Richards account on behalf of others; is that
20 correct?

21 A. Yes. That's correct.

22 MR. LA RUSSO: Your Honor, at this time I ask
23 that this, Defendant's Exhibit C-72 be received.

24 MR. MISKIEWICZ: No objection.

25 THE COURT:

J. Kaiser - Cross/La Russo

1345

1 Q. Mr. Kaiser --

2 THE COURT: Hold on, I'm just asking Mr. Haley.

3 MR. HALEY: Sorry, your Honor. No objection,
4 Judge, thank you.

5 THE COURT: C-72 is admitted.

6 (Defendant's Exhibit Constantine C-72 in
7 evidence.)

8 Q. In this e-mail, Mr. Constantine refers to you as
9 Johnny; is that correct?

10 A. Yes.

11 Q. And he says besides buying the three percent and then
12 in brackets plus or minus two morons, do you know who he
13 was referring to?

14 A. Yes. I believe so.

15 Q. Who were they?

16 A. They were two hockey players.

17 Q. Do you know their names?

18 A. Ethan Moreau and Owen Nolan.

19 Q. They had sued Mr. Constantine and others to try and
20 regain their assets; is that correct?

21 A. I believe they sued Mr. Constantine and Mr. Kenner.
22 Correct.

23 Q. And it goes on to say we are actually desperately
24 trying to raise three to five million for between 10 and
25 20 percent of the company. Do you see that?

J. Kaiser - Cross/La Russo

1346

1 A. Yes.

2 Q. So before you made the investment he was advising you
3 that they were seeking to raise this kind of money for the
4 company, correct?

5 A. Yes.

6 I didn't make the investment at that time.

7 Q. I understand that.

8 But this is before you make the investment?

9 A. No.

10 Again, I just want to repeat myself.

11 Q. Your testimony is that you didn't make the
12 investment. You made it on behalf other people?

13 A. Yes.

14 Q. I understand that, thank you.

15 But he also tells you that he needs money and he
16 says here are immediate cash needs, Monday November 30,
17 250,000 to Bancorp card usage fees, urgent. Monday
18 November 30th, \$250,000 to Neptune loan, urgent. Monday,
19 November 30th, 50,000 to Eufora for may role, et cetera.
20 Tuesday, December 30th, 50,000 to Eufora for payroll, and
21 Tuesday, December 30th, one million to Neptune loan final
22 payment.

23 Did I read that correctly? Didn't I?

24 A. Yes.

25 Q. And so you're being notified before you make the

J. Kaiser - Cross/La Russo

1347

1 investment that at least a substantial amount of money is
2 needed after your investments were made December 30, 2009;
3 is that correct?

4 A. Yes.

5 Q. So you were aware when you made your investments that
6 there were outstanding obligations on the part of company?

7 A. Yes, as per this e-mail, yes.

8 Q. This e-mail also discloses that there was a loan and
9 the final payment had to be made. So my question is, were
10 you aware that there was a loan that had to be paid on
11 behalf of the company?

12 A. Yeah, on e-mail.

13 Q. I know it's in the e-mail, you read it, you received
14 it?

15 A. Yes.

16 Q. So my question is when you testified that you did not
17 know about a loan, in fact you did know about a loan
18 before you made your investment, the investments were
19 made?

20 MR. MISKIEWICZ: Objection.

21 THE COURT: Sustained as to form.

22 Q. Mr. Kaiser, you testified at the time you made the
23 investment on behalf of the people, you did not know that
24 there was an outstanding loan. I'm asking you does this
25 refresh your recollection that in fact there was?

J. Kaiser - Cross/La Russo

1348

1 MR. MISKIEWICZ: Objection.

2 THE COURT: Sustained as to form.

3 Q. Mr. Kaiser, when you received this e-mail, did you
4 know before you made your investment that Eufora had the
5 obligations that are listed there?

6 A. I don't recall.

7 Q. Do you recall e-mail but you don't recall this?

8 A. Yeah, well, I believe at the time I believe Neptune
9 is and Bancorp is associated with Eufora so it's just part
10 of Eufora to me.

11 Q. It says Neptune loan Mr. Kaiser, do you see that,
12 Neptune loan?

13 A. I still think it's part of Eufora.

14 Q. Well, do you know the person behind Neptune loan?

15 A. No.

16 Q. Do you know that there was a lender whose company was
17 known as Neptune?

18 A. No.

19 Q. Did you ask Mr. Constantine what the hell are you
20 talking about?

21 MR. MISKIEWICZ: Objection.

22 THE COURT: Sustained as to form.

23 MR. LA RUSSO: Withdraw that.

24 Q. Did you e-mail Constantine back and say what is this
25 loan all about? Did you do that?

J. Kaiser - Cross/La Russo

1349

1 A. No, I don't believe that I did.

2 Q. I know --

3 MR. MISKIEWICZ: Objection.

4 MR. LA RUSSO: Withdraw that.

5 Q. Would it be fair to say that this e-mail was
6 communicated to you as part of the information that you
7 used to evaluate whether to recommend investments to your
8 mother and your friend?

9 A. No.

10 Q. You didn't?

11 A. No.

12 Q. Mr. Kaiser, let's finish off the e-mail at this
13 point, please. The balance, that's balance of the loan,
14 right? How did you understand it when you received the
15 e-mail?

16 A. Was that a question?

17 Q. The balance of the loan?

18 MR. MISKIEWICZ: Objection.

19 THE COURT: He's asking you whether when you saw
20 the term the balance in the e-mail what was your
21 understanding that that related to?

22 THE WITNESS: I thought that was related to
23 future payments with the deal with Metabank.

24 Q. The balance 1,400,000 to 3,400,000 will be supplied
25 as needed to advertise the Credit Builder and sweepstakes

J. Kaiser - Cross/La Russo

1350

1 products nationally -- that's in brackets the last word --
2 and to license the products to Metabank and others between
3 December 1st and April 1st, 2010.

4 The question is tell us what your understanding
5 was?

6 A. My understanding was the deal with Metabank was being
7 signed, and that it had to be future payments to Metabank,
8 Metabank was going to be producing over a million dollars
9 a month.

10 Q. So did you understand that at the time that you read
11 it?

12 A. I understood exactly what I just said.

13 Q. Did you understand the paragraph above which talked
14 about the Neptune loan?

15 MR. MISKIEWICZ: Objection.

16 THE COURT: Sustained. Asked and answered.

17 Q. By the way, Mr. Kaiser, do you have a recollection of
18 the percentage of ownership interest in Eufora that you
19 and your associates were each going to be purchasing for
20 the amount of money that you invested in December?

21 A. Which associates are you referring?

22 Q. Your mother, Mr. Hughes and Mr. Rizzi.

23 A. I believe there were for 200,000 I believe it was 1.5
24 percentage of Eufora.

25 Q. Were you to get any portion of that?

J. Kaiser - Cross/La Russo

1351

1 A. No.

2 Q. Mr. Kaiser, shortly after you and Mr. Privitello
3 wired the money for the Eufora investment to Mr. Richards'
4 account, do you recall receiving an e-mail from an
5 individual by the name of Carleton CR Gentry as before?

6 MR. MISKIEWICZ: Objection to form, you and
7 Mr. Privitello wired the money.

8 MR. LA RUSSO: I'll rephrase it, Judge and break
9 it down.

10 Q. You know that Mr. Privitello likewise forwarded
11 \$200,000 to Eufora?

12 A. Yes.

13 Q. Deposited into the Ron Richards account?

14 A. Wherever Mr. Constantine instructed him to.

15 Q. So there's in December, approximately that the point
16 400,000 from Mr. Privitello, and 200,000 that you invested
17 and you testified and your mother and the two associates?

18 MR. MISKIEWICZ: Objection to form.

19 THE COURT: Overruled. You can answer that?

20 A. Yes.

21 Q. So do you recall receiving an e-mail from Mr. CR
22 Gentry at Eufora after the investments were made?

23 A. Which e-mail?

24 Q. That you got a number of e-mails do you recall
25 communications with Mr. Gentry by way of e-mail?

J. Kaiser - Cross/La Russo

1352

1 A. I believe Mr. Gentry was the one that was organizing
2 the percentage and putting the documentation together for
3 them.

4 Q. Tell us who CR Gentry is, if you know?

5 A. I believe that he was the upper management of Eufora.

6 Q. So according to your testimony at this point in time,
7 he's communicating with you to formalize your investment,
8 right?

9 A. I believe Mr. Constantine told Mr. CR Gentry to --
10 about putting something in writing reference my mother, TR
11 Hughes, Bob Rizzi.

12 Q. I'm going to show you what's been marked as C-73 for
13 identification. Is that one of the e-mails received from
14 Mr. Gentry during the period of time that you were
15 communicating him in regards to your investments?
16 (Handing.) ?

17 A. Yes, I believe so.

18 Q. Have you had a chance to look at that thoroughly
19 before answering?

20 A. Yes.

21 MR. LA RUSSO: Your Honor, at this time I ask
22 that C-73 be received at this time.

23 MR. MISKIEWICZ: Objection, hearsay.

24 THE COURT: Overruled. Mr. Haley, do you have
25 any objection?

J. Kaiser - Cross/La Russo

1353

1 MR. HALEY: No, sir.

2 THE COURT: C-73 is admitted.

3 (Defendant's Exhibit Constantine C-73 in
4 evidence.)

5 MR. LA RUSSO: I'm just waiting just a second,
6 your Honor. The juror is coughing. Maybe if she gets
7 some water.

8 A JUROR: I have water, thank you.

9 THE COURT: Go ahead.

10 MR. LA RUSSO: Thank you, your Honor.

11 Q. Mr. Kaiser, this e-mail is to you December 16, 2009
12 and that was after the first 150,000 was sent in to
13 Eufora; is that correct?

14 A. Yes.

15 Q. And John is you?

16 A. Yes.

17 Q. Attached is a word document that contains the
18 membership interest you provided for Triple Diamond Black
19 and the other new members. I need to have you confirm the
20 following. What is Triple Diamond Black?

21 A. That was an LLC that was set up by Mr. Kenner for
22 myself.

23 Q. For what purpose?

24 A. For my Eufora investment.

25 Q. So you had an LLC to hold your Eufora investment?

J. Kaiser - Cross/La Russo

1354

1 A. Yes.

2 Q. When was that set up?

3 A. I'm not sure.

4 Q. Did you ever see any documentation in regards to it?

5 A. Yes.

6 Q. Would it be fair to say that that entity was
7 according to you to hold the monies that you claimed that
8 you were owed by Mr. Kenner; is that correct?

9 A. That was holding what Mr. Constantine was at that
10 point saying what my membership was.

11 Q. Well, it certainly wasn't anything to do with the
12 money that was sent on December 16th of 2009; is that
13 correct?

14 A. That's correct.

15 Q. And this Black Diamond Trust, it says -- I'm reading
16 down so you can follow with me, you are the managing
17 member?

18 A. Yes.

19 Q. What did you understand that to mean?

20 A. That I was in charge of it. It was my LLC.

21 Q. And then Mr. Gentry asks for the tax ID and the EIN
22 number of the trust, correct?

23 A. Yes.

24 Q. And then asks does Ethel have an e-mail account phone
25 number; is that correct?

J. Kaiser - Cross/La Russo

1355

1 A. Yes.

2 Q. And would it be fair that's in regards to her
3 investment, correct?

4 A. Yes.

5 Q. And then lastly, it says are these the addresses that
6 we should use for all correspondence of each person and
7 their K1's, correct?

8 A. Yes.

9 Q. What's a K-1?

10 A. When you have an LLC that's your record of tax, so
11 the K-1 you'll get annually.

12 Q. And I'm not going to read the next paragraph, it
13 talks about the operating agreement that's being provided.
14 And just turn to the next page. I'm going to read the
15 highlighted portion if I could.

16 In order to complete this, according to the
17 operating agreement, I need to call a board of managers
18 meeting. I have already notified the board member of this
19 and they are aware of the member changes. I am hoping I
20 can get all managers lined up for Friday.

21 What did you understand that to mean?

22 A. Board members of Eufora. I assume he was getting
23 them together.

24 Q. In order to improve the investments that you were
25 seeking to make; is that correct?

J. Kaiser - Cross/La Russo

1356

1 A. Yes.

2 Q. At this point when he writes the e-mail he's just
3 tells you he's going to try to get them together to
4 accomplish that purpose?

5 A. Yes.

6 (Continued on next page.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

J. KAISER-CROSS-LaRUSSO

1357

1 Q And attached to this document are the percentages that
2 you and the others were to receive as a result of investments
3 in Eufora, is that correct?

4 A Yes.

5 Q You saw this, am I right?

6 A Yes.

7 Q Triple Black Diamond, which is you, is 2.11, is that
8 correct?

9 A Yes.

10 Q According to your testimony, Mr. Kaiser, that's supposed
11 to represent monies that Mr. Kenner said you had invested in
12 Eufora in the past, is that correct?

13 A Yes, that is correct.

14 Q That was his statement to you, is that right?

15 A Yes. Well, he said it should have been a lot more. The
16 percentage should have been a lot higher.

17 Q Your mother, her percentage was .5?

18 A Yes.

19 Q Mr. Rizzi, .5?

20 A Yes.

21 Q Mr. Hughes, .5?

22 A Yes.

23 Q And then the last one is Mr. Privitello, .15, is that
24 correct?

25 A Yes.

J. KAISER-CROSS-LaRUSSO

1358

1 THE COURT: It is 1.5.

2 MR. LaRUSSO: I'm sorry, Judge. It is 1.5.

3 Q Mr. Kaiser, do you know the term "credit investor"?

4 MR. LaRUSSO: I apologize, Judge. Just a moment.

5 Q Do you know the term "credited investor"?

6 A Yes, I do.

7 Q What does that mean?

8 MR. MISKIEWICZ: Objection.

9 THE COURT: No, he can answer that.

10 A As it relates to what?

11 Q As it relates to the placement of investors, what is a
12 credited investor?

13 A You checked out already.

14 Q Meaning what?

15 A A background proof of funds.

16 Q Something like due diligence?

17 A Yes.

18 Q Were you a credited investor?

19 MR. MISKIEWICZ: Objection.

20 THE COURT: Overruled. Was he?

21 MR. LaRUSSO: Did he consider himself a credited
22 investor.

23 THE COURT: You can answer that.

24 A Yes.

25 Q As well as the other individuals that you invested for?

J. KAISER-CROSS-LaRUSSO

1359

1 A Yes.

2 Q Before wiring the money to Mr. Richards' account, do you
3 recall a conversation with Mr. Constantine where he tells you
4 about some of the licensing deals that were being negotiated
5 between Eufora and certain large prepaid credit card
6 companies?

7 A Yes.

8 Q That was actually part of the appeal of the investment
9 opportunity, would you agree with me?

10 A It certainly was.

11 Q When Mr. Constantine told you about those perspective
12 licensing deals, did you believe him?

13 A Yes.

14 Q Did you believe he was being truthful about those
15 licensing deals now?

16 MR. MISKIEWICZ: Objection.

17 THE COURT: Sustained.

18 Q Mr. Kaiser, yesterday you testified that a couple of the
19 companies that you remember that were large potential
20 licensees were American Express and Visa. I believe those are
21 the two that you mentioned?

22 A And also Metabank.

23 Q And Metabank.

24 Do you remember a company called Net Spend, N-E-T,
25 S-P-E-N-D.

J. KAISER-CROSS-LaRUSSO

1360

1 A Yes, that was another one.

2 Q Do you remember corresponding with Mr. Constantine about
3 these?

4 A Yes.

5 Q I will show you what's been marked for identification as
6 C-74. And trying to save you some time, I will show you what
7 has been marked for identification as C-75. Will you look at
8 those, please.

9 (Handing.)

10 Q I will try to phrase a general question so we don't have
11 to go through the e-mails line for line. Do you recognize
12 those?

13 A Yes.

14 Q Are those the e-mails that you received from
15 Mr. Constantine regarding the potential licensees?

16 A Yes.

17 MR. LaRUSSO: I ask that C-74 and C-75 be received
18 at this time.

19 MR. MISKIEWICZ: Objection. Hearsay.

20 MR. HALEY: No objection.

21 THE COURT: I will place the ruling on the record.
22 C-74 and C-75 are admitted in evidence.

23 (So marked as Defense C-74 and C-75 in evidence.)

24 Q Would you say that Mr. Constantine was communicating
25 openly with you about the progress for the perspective

J. KAISER-CROSS-LaRUSSO

1361

1 licensing deals with Net Spend and Metabank?

2 A Yes, at that time he was.

3 Q Now, going back to the lawsuit that was filed against
4 Mr. Constantine in Arizona by Mr. Stober, was he your
5 attorney?

6 A He was -- I guess you could say I was working with him.

7 Q Did you sign an agreement?

8 A I believe that I did.

9 Q Were you a plaintiff in that lawsuit?

10 A I believe I was.

11 Q You have no knowledge?

12 A Which lawsuit?

13 Q The Arizona lawsuit that Mr. Stober filed in October of
14 2010?

15 A I don't know if that was the three individuals or I was.

16 Q Let me see if I can refresh your recollection. Remember
17 the suit by the hockey players, Mr. Rizzi, Mr. Hughes?

18 A Yes.

19 Q Were you part of that suit?

20 A I believe I was.

21 Q You're not sure?

22 A I'm just getting a little confused between that and the
23 other suit.

24 Q Let's stick to the Arizona one. You have no recollection
25 whether you were or weren't, is that correct?

J. KAISER-CROSS-LaRUSSO

1362

1 A That's correct.

2 Q Well, would it be fair to say that the Arizona lawsuit,
3 as understood it, dealt with Eufora investments, recovering
4 their money, correct?

5 A Yes.

6 Q If I told you were not listed as a plaintiff in that
7 suit, would that surprise you?

8 A Well, like I said, I don't recall. I guess it was a
9 strategic from Mr. Stober.

10 Q If you accept that fact, would you tell us why you were
11 not a plaintiff in that case?

12 A I don't know.

13 MR. MISKIEWICZ: Objection. Relevance.

14 THE COURT: You can answer.

15 A I'd have to ask Mr. Stober that.

16 Q Did you ask Mr. Stober to be a plaintiff in an action
17 brought by Eufora investments against Mr. Constantine?

18 A Like I said, I'd have to ask Mr. Stober that question.

19 Q Related to a little different fact pattern. Before the
20 lawsuit was filed, were you part of a group who attempted to
21 purchase a Eufora loan using Mr. Stober?

22 A No. We were attempting to get all the paperwork and
23 documentation on it. I was in contact with Mr. Constantine
24 with reference to the same.

25 Q You were aware that there was a loan, is that correct?

J. KAISER-CROSS-LaRUSSO

1363

1 MR. MISKIEWICZ: Objection.

2 Q At this point?

3 A Which loan are you referring to?

4 Q The Eufora loan, the one that you were advised of in
5 November of 2009, the Neptune loan.

6 A I believe the company was being rolled up into a new
7 entity, a new Eufora with a Mr. Volpe buying it.

8 Q But isn't it a fact that you and others were seeking to
9 find a loan for yourself and a particular group of people?

10 A No. Like I said, a Mr. Volpe was buying and we were
11 trying to get answers to find out what Eufora was going to
12 turn into, what everyone's membership was going to be
13 interested in.

14 Q Do you know if either yourself or others approached the
15 lender to find a loan on behalf of yourself and others?

16 MR. MISKIEWICZ: Objection. Asked and answered.

17 THE COURT: Sustained.

18 Q We know, Mr. Kaiser, that your testimony is that there
19 was a person by the name of Volpe involved in the purchase of
20 the loan. But did you try -- did you participate with a group
21 of people to buy -- and I'll use the word "first," before
22 Mr. Volpe?

23 A My understanding is Mr. Volpe had bought the loan. We
24 couldn't find out anything that was going on with the company.
25 If we went to sign the leases that -- that released everybody

J. KAISER-CROSS-LaRUSSO

1364

1 from any kind of fraud before or after, it was a 19-page
2 release. And that if we didn't sign it, Mr. Volpe was taking
3 the company to Europe.

4 Q Where did you learn that from?

5 A I learned that from Mr. Constantine.

6 Q In a direct conversation with him?

7 A Yes.

8 Q When did you have that conversation?

9 A I had it in 2010.

10 Q Do you remember when in 2010?

11 A I don't recall the exact date.

12 Q On the phone or in person?

13 A I believe it was both.

14 Q Well, Mr. Kaiser, at this point in time, you had been
15 part of a group that retained Mr. Stober, is that right?

16 A Yes.

17 Q He was representing you with regard to your interest in
18 Eufora, is that correct?

19 A Yes. He was looking for documentation and some
20 transparency, and Mr. Stober was assisting us in that.

21 Q Can you tell us, in your experience, to buy the loan of a
22 company whose assets are collateralized, is that a significant
23 event?

24 MR. LaRUSSO: I'll withdraw that. That's improper.

25 Q A loan from a company whose assets are collateralized, a

J. KAISER-CROSS-LaRUSSO

1365

1 lender would have substantial input in the direction of that
2 company, is that correct?

3 MR. MISKIEWICZ: Objection.

4 THE COURT: Sustained.

5 Q Could you tell us why you were seeking to buy the loan?

6 MR. MISKIEWICZ: Objection.

7 THE COURT: Sustained. He already testified that he
8 wasn't seeking to buy the loan.

9 Q So people that you were affiliated with, were they
10 attempting to buy the loan?

11 MR. MISKIEWICZ: Objection.

12 THE COURT: It was asked and answered.

13 MR. LaRUSSO: One moment, Your Honor.

14 Q Now, Mr. Kaiser, you testified about a conversation where
15 Mr. Constantine talked about buying the players' share for
16 \$0.50 on the dollar, do you remember that?

17 A I certainly do.

18 Q Isn't it a fact that it was you that wanted to buy some
19 of the players for \$0.50 on the dollar because you had been
20 under the impression that you had invested \$2 million in
21 Eufora only to learn that you didn't have that interest?

22 A No. That's not correct. That is incorrect.

23 Q When did the call take place between Mr. Constantine and
24 the hockey players?

25 A It was in early 2010.

J. KAISER-CROSS-LaRUSSO

1366

1 Q Can you tell us, if I remember -- withdrawn.

2 Did he call all the three hockey players?

3 A Yes, he did.

4 Q Individually?

5 A Yes.

6 Q Can you tell us what specific amounts, if any, he
7 discussed with them during those calls?

8 A He asked to buy them out of Eufora for whatever they had
9 in it. Let me back up. First he said the three individuals
10 he was going to call were all broke. Then he called them up
11 in front of me, on speakerphone, in succession, and said the
12 same thing: Would you like to buy your Eufora -- if I can buy
13 your Eufora investment for \$0.50 on the dollar, would you take
14 it? And they said yes. Each individual he called said yes.

15 Q Did he mention anything about specific dollar amounts?

16 A 50 percent of what they had, there shares were. So if
17 someone spent 100,000, he'd give him \$50,000 and they were our
18 of Eufora.

19 Q One of the calls was made to a man by the name of Greg
20 DeVries, is that correct?

21 A Yes.

22 Q He was a hockey player?

23 A Yes.

24 Q Do you know if any of these three hockey players had
25 previously asked that their interest be bought out before that

J. KAISER-CROSS-LaRUSSO

1367

1 conversation?

2 MR. MISKIEWICZ: Objection.

3 THE COURT: Overruled.

4 If you know, you can answer that.

5 A I don't know.

6 Q You know there were at least three other hockey players
7 that were looking to have their interest bought out, is that
8 correct. Mr. Juneau, Mr. Moreau?

9 A I wasn't dealing with them. That was through
10 Mr. Constantine.

11 Q They were looking to have their interest in Eufora bought
12 out, correct?

13 A Well, I don't think these three individuals knew that --
14 about the Metabank deals. That's the difference.

15 Q You're speculating.

16 A No, I'm not.

17 Q You said you think there's a difference. And you know
18 that, Mr. Kaiser?

19 MR. MISKIEWICZ: Objection.

20 THE COURT: Sustained. Just ask questions
21 Mr. LaRusso, don't lecture him.

22 MR. LaRUSSO: I'm looking for an exhibit, Your
23 Honor. I'll be right there.

24 Your Honor, I will move on. I hope I will find it
25 before we finish today.

J. KAISER-CROSS-LaRUSSO

1368

1 Q Did there a come point in time where Mr. Constantine --

2 THE COURT: It's 4:30. We're going to break for the
3 day. I said I'll give you an estimate at the end of the week
4 each week. We went slowly this week. We didn't have a full
5 day Monday, but we went slower than anticipated this week. We
6 will make up that time next week. So I'll speak to the
7 lawyers, see how we're doing. We'll catch up next week.

8 I'll see you Monday morning at 9:30. Don't read or
9 listen to anything regarding the case. Don't discuss the case
10 among yourselves or with anyone else. I'll let you know the
11 schedule next week.

12 Everyone else, I'll see you Monday morning at 9:30.

13 (Whereupon the jury leaves the courtroom except
14 Juror No. 5.)

15 THE COURT: Can you go back into the jury room for a
16 moment. I'll speak to the lawyers first.

17 You can be seated.

18 Mr. Kaiser, you can step down. I apologize that you
19 have to come back Monday.

20 THE WITNESS: Yes, Your Honor.

21 (Witness excused at 4:30 p.m.)

22 THE COURT: My inclination is to excuse Juror No. 5.

23 We still have five alternates. I've already said at this
24 point in trial we're already behind, we can't lose two days
25 next week. The jurors will be extremely unhappy, to say the

J. KAISER-CROSS-LaRUSSO

1369

1 least.

2 Is there any objection to excusing him?

3 MR. MISKIEWICZ: Not at all from the government.

4 MR. LaRUSSO: No, Your Honor, not at all.

5 MR. HALEY: No, sir.

6 THE COURT: Bring him in.

7 (Whereupon Juror No. 5 reenters the courtroom.)

8 THE COURT: You can be seated.

9 I'm going to excuse you from the case. You probably
10 figured out, I can't afford to lose two days. As I said, we
11 have alternates available so I'm going to excuse you from the
12 case. I appreciate your service. I just want to emphasize to
13 you that on your way out, if there's jurors back there, you
14 can't discuss the case at all with them, obviously, on your
15 way out.

16 JUROR NO. 5: Thank you, Your Honor.

17 THE COURT: All right. So I assume it's the same
18 line up we've been talking about for three days.

19 Mr. Privitello is next.

20 MR. MISKIEWICZ: We're shuffling because people have
21 conflicts in this schedule. But as of right now, here's our
22 best estimate: Mr. Privitello, followed by Tyson Nash,
23 followed by Ricardo Banciella. Then we'll probably get to
24 Mr. Chris Manfredi, Mr. Grdina, Richards, Darryl Sydor,
25 William Ranford.

J. KAISER-CROSS-LaRUSSO

1370

1 Our handwriting expert, John Osborn, texted me late
2 yesterday. He has a number of other trials. So I may put him
3 on early next week. Earlier than I anticipated. So probably
4 Wednesday or Thursday of next week.

5 Also, for the record, I have provided his entire
6 report, curriculum vitae, the blow-ups ups and photographs of
7 materials that he provided. Mr. LaRusso asked for additional
8 exemplars from Mr. Kaiser, which we did last night. We
9 provided him the additional exemplars.

10 MR. LaRUSSO: We acknowledge that, Your Honor.

11 MR. MISKIEWICZ: That's the line-up for the moment.

12 THE COURT: Okay.

13 MR. HALEY: Judge, I mentioned this before, but I
14 can work it out with the government. I am going to need to
15 confirm addresses on perspective government witnesses. My
16 best source of that is, frankly, through the government. They
17 have greater resources than me.

18 THE COURT: They will provide you with whatever
19 current addresses they have.

20 MR. MISKIEWICZ: Sure.

21 THE COURT: Again, I don't want to badger everybody,
22 and Mr. LaRusso, I know you get the brunt of it because you're
23 always going last, I really urge you to look, every once in a
24 while -- this goes for the government too, you should look
25 over to the jury and see, whether or not, when you go on and

J. KAISER-CROSS-LaRUSSO

1371

1 on, in the examination of any witness, whether it is
2 productive. Look at their body language sometimes as you're
3 questioning. That should give you some indication of whether
4 or not the questioning of the witnesses is going on for too
5 long. Because it's not productive, it's not helpful for
6 anybody when witnesses are on the stand for three days,
7 whatever point any lawyer is trying to make after that, at
8 that stage can get lost because the juror listens to this
9 person for ever and ever. So just keep that in mind when
10 you're up there doing the questioning.

11 MR. HALEY: Also, simply so Your Honor might
12 understand, I never got up to object, but my point is with
13 regards to one particular government witness, and I'm not here
14 to be critical, my view of are redirect is redirect. It's not
15 a repetition of direct.

16 THE COURT: The government, I pointed that out to
17 Mr. Miskiewicz, and the redirects since then have been
18 extremely short.

19 MR. HALEY: Yes.

20 THE COURT: I hope it continues. I haven't really
21 heard -- we've got a lot of repetition on cross. You've
22 repeated what he said on direct. I agree with you, I
23 certainly don't expect to hear it when I hear for the third
24 time what he has to say on these various topics. So I will
25 make sure if the government redirects on anything, that it's

J. KAISER-CROSS-LaRUSSO

1372

1 something that's come up before.

2 I'll see you on Monday at 9:30.

3 (Whereupon the matter was adjourned to May 19, 2015,
4 at 9:30 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

W I T N E S S E S

1373

1

2

J O H N K A I S E R

1185

3

CROSS EXAMINATION

1186

4

BY MR. LARUSSO

5

6

P A T R I C K G O N Y A

1276

7

DIRECT EXAMINATION

1276

8

BY MS. KOMATIREDDY

9

CROSS EXAMINATION

1296

10

BY MR. LARUSSO

11

12

13

JOHN KAISER

1307

14

BY MR. LARUSSO

15

16

17

18

19

20

21

22

23

24

25

E X H I B I T S

1374

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT EXHIBIT 3397	1279
GOVERNMENT EXHIBIT 3321	1286
GOVERNMENT'S EXHIBIT 8021-R	1289
DEFENSE EXHIBIT C-81 IN EVIDENCE	1317
DEFENSE EXHIBIT C-66 IN EVIDENCE	1326
DEFENDANT'S EXHIBIT CONSTANTINE C-72	1345
DEFENDANT'S EXHIBIT CONSTANTINE C-73	1353
DEFENSE C-74 AND C-75	1360

U.S.A. v. KENNER and CONSTANTINE

1

\$				
\$0.50 [3] - 1365:16, 1365:19, 1366:13	1238:1, 1247:17, 1327:11, 1329:4	12th [4] - 1286:21, 1287:6, 1287:7, 1296:16	1250:23, 1264:10, 1319:14, 1320:10, 1320:22, 1321:6, 1322:14, 1329:5, 1365:20	1250:19, 1250:23, 1268:19, 1269:1, 1269:3, 1270:22, 1277:3, 1277:10, 1278:1, 1278:13, 1278:22, 1279:12, 1279:14, 1286:21, 1287:4, 1287:6, 1287:7, 1287:11, 1287:17, 1287:23, 1287:25, 1288:6, 1289:6, 1291:5, 1293:6, 1296:15, 1296:16, 1306:9, 1306:14, 1323:2, 1336:18, 1336:22, 1337:16, 1344:12, 1347:2, 1353:11, 1354:12, 1363:5
\$100,000 [2] - 1331:17, 1332:8	'08 [2] - 1328:7, 1328:10	13-CR-607 [2] - 1180:3, 1181:15	2.11 [1] - 1357:7	2010 [28] - 1189:13, 1189:20, 1189:23, 1193:2, 1193:6, 1197:18, 1209:10, 1209:18, 1232:12, 1245:21, 1245:23, 1246:16, 1247:15, 1247:17, 1256:13, 1263:21, 1268:19, 1278:2, 1306:2, 1306:5, 1318:20, 1322:12, 1322:14, 1350:3, 1361:14, 1364:9, 1364:10, 1365:25
\$105 [1] - 1206:4	'08 [1] - 1328:7	1307 [1] - 1373:13	2.2 [3] - 1253:13, 1319:25, 1323:3	2011 [5] - 1192:6, 1192:17, 1325:5, 1325:7, 1325:10
\$11,400 [1] - 1325:6	1	1317 [1] - 1374:7	2/11 [1] - 1317:18	2013 [4] - 1212:14, 1213:1, 1269:5, 1269:13
\$110,000 [2] - 1219:19, 1270:22	1 [9] - 1210:13, 1210:21, 1213:3, 1213:24, 1221:16, 1222:5, 1289:21, 1294:4, 1325:2	1326 [1] - 1374:8	20 [12] - 1185:15, 1187:4, 1252:16, 1252:21, 1253:3, 1253:22, 1275:6, 1278:13, 1279:12, 1306:3, 1333:4, 1345:25	2015 [2] - 1180:9, 1372:3
\$12,268 [1] - 1219:5	1,400,000 [1] - 1349:24	1345 [1] - 1374:9	200 [1] - 1341:24	2103 [2] - 1217:21, 1217:25
\$13,377.57 [1] - 1288:1	1.1 [1] - 1215:12	1353 [1] - 1374:10	200,000 [6] - 1338:21, 1339:4, 1340:5, 1342:21, 1350:23, 1351:16	22 [1] - 1292:16
\$15 [2] - 1204:25, 1205:19	1.5 [3] - 1350:23, 1358:1, 1358:2	1360 [1] - 1374:11	2000 [1] - 1199:8	23rd [3] - 1289:6, 1291:4, 1293:6
\$15,000 [2] - 1287:12, 1288:7	1.7 [2] - 1240:18, 1240:24	1395 [1] - 1277:8	2001 [1] - 1325:9	24 [2] - 1324:16, 1331:17
\$150,000 [1] - 1341:1	10 [7] - 1210:24, 1211:22, 1211:24, 1212:2, 1230:3, 1312:16, 1345:24	13th [1] - 1287:11	2002 [3] - 1199:11, 1199:13, 1199:19	25 [7] - 1184:10, 1291:7, 1326:24, 1329:16, 1329:23, 1330:2, 1344:12
\$172,000 [1] - 1220:6	100 [1] - 1181:7	14 [4] - 1180:9, 1206:7, 1207:14, 1306:9	2003 [1] - 1187:24	25,000 [3] - 1317:23, 1317:25, 1329:14
\$180,000 [1] - 1213:25	100,000 [9] - 1317:23, 1318:2, 1326:24, 1328:18, 1328:21, 1329:1, 1329:7, 1331:3, 1366:17	15 [9] - 1186:25, 1187:4, 1190:6, 1205:4, 1249:24, 1267:13, 1294:2, 1312:7, 1357:23	2004 [4] - 1186:7, 1195:12, 1199:8, 1204:16	250,000 [1] - 1346:17
\$195,000 [1] - 1220:12	10:25 [1] - 1202:15	15,000 [1] - 1295:25	2005 [2] - 1205:17, 1207:14	25th [3] - 1223:8, 1223:10, 1224:21
\$20 [1] - 1186:25	10:30 [1] - 1185:15	150,000 [4] - 1337:23, 1340:20, 1340:23, 1353:12	2006 [10] - 1186:8, 1188:1, 1199:18, 1204:17, 1206:3, 1206:11, 1206:13, 1210:7, 1218:4, 1294:5	26 [1] - 1181:4
\$200,000 [3] - 1339:17, 1343:4, 1351:11	10:45 [1] - 1184:11	16 [4] - 1206:7, 1293:12, 1293:13, 1353:11	2007 [28] - 1196:11, 1236:18, 1238:8, 1238:9, 1243:4, 1243:10, 1245:14, 1247:6, 1294:5, 1324:2, 1324:8, 1324:13, 1324:15, 1324:16, 1325:2, 1325:8, 1325:13, 1326:8, 1327:21, 1328:11, 1328:17, 1329:18, 1331:6, 1332:20, 1333:8, 1333:9	275,000 [9] - 1243:4,
\$221,000 [1] - 1196:16	10:50 [2] - 1202:13, 1202:14	1601 [1] - 1180:22	2008 [12] - 1188:14, 1188:18, 1236:19, 1249:2, 1268:23, 1268:24, 1268:25, 1306:9, 1306:13, 1328:16, 1329:19, 1331:7	
\$250,000 [1] - 1346:18	11 [10] - 1264:6, 1269:2, 1292:23, 1324:15, 1325:8, 1325:13, 1325:15, 1325:22, 1329:14, 1329:16	16th [3] - 1337:23, 1338:4, 1354:12	2009 [41] - 1239:25, 1240:3, 1240:5,	
\$261,000 [1] - 1318:6	11:400 [2] - 1317:18, 1325:22	17 [6] - 1219:4, 1219:10, 1270:11, 1293:13, 1329:23, 1330:1		
\$275,000 [10] - 1238:14, 1238:18, 1238:21, 1240:15, 1240:25, 1244:23, 1246:8, 1248:8, 1318:9, 1324:8	11:50 [1] - 1180:23	1703 [3] - 1324:21, 1324:24, 1324:25		
\$3,000 [2] - 1219:3, 1298:10	11501 [1] - 1181:2	1706 [2] - 1328:5, 1329:3		
\$3,677.40 [1] - 1287:19	11572 [1] - 1181:5	172 [1] - 1292:15		
\$305 [1] - 1221:16	11722 [2] - 1180:17, 1181:8	18 [5] - 1190:7, 1220:5, 1220:12, 1293:16, 1295:5		
\$34,513 [1] - 1219:11	11749 [1] - 1180:23	18290 [1] - 1290:18		
\$50,000 [4] - 1341:5, 1341:9, 1341:16, 1366:17	1185 [1] - 1373:2	19 [2] - 1340:14, 1372:3		
\$500,000 [1] - 1264:15	1186 [1] - 1373:3	19-page [1] - 1364:1		
\$550,000 [1] - 1188:23	11:00 [1] - 1203:10	199 [1] - 1295:19		
\$580,026 [1] - 1223:13	12 [2] - 1287:25, 1306:9	1:30 [4] - 1255:7, 1258:4, 1270:4, 1274:20		
\$60,000 [1] - 1196:1	1276 [2] - 1373:6, 1373:7	1:45 [1] - 1275:2		
\$8,000 [1] - 1286:23	1279 [1] - 1374:2	1:50 [1] - 1275:16		
\$800,000 [3] - 1217:8, 1220:17, 1221:24	1286 [1] - 1374:3	1st [4] - 1326:8, 1328:7, 1350:3		
\$840,000 [2] - 1192:8, 1195:1	1289 [1] - 1374:4	2		
	1296 [1] - 1373:9	2 [10] - 1220:10,		
'02 [1] - 1198:11				
'03 [1] - 1198:12				
'06 [2] - 1191:13, 1207:12				
'07 [5] - 1191:13,				

U.S.A. v. KENNER and CONSTANTINE

2

1243:10, 1243:25, 1245:14, 1247:2, 1247:6, 1327:20, 1331:3, 1332:18 28 [1] - 1325:2 289369 [2] - 1223:12, 1224:16 28th [1] - 1287:17 29th [2] - 1337:24, 1338:4 2001 [1] - 1224:14	1209:13, 1248:17, 1291:7, 1323:1 4/02 [1] - 1329:1 4/07 [1] - 1328:21 4/11 [1] - 1317:23 4/17 [1] - 1317:25 4/2 [1] - 1317:19 4/24 [4] - 1318:2, 1328:18, 1328:22, 1331:3 4/27 [1] - 1331:9 40,000 [1] - 1325:9 400,000 [1] - 1351:16 403 [1] - 1274:5 425 [1] - 1180:22 43 [1] - 1193:13 45,410 [1] - 1219:13 4:30 [5] - 1308:24, 1309:1, 1336:5, 1368:2, 1368:21 4th [1] - 1212:14	79 [1] - 1340:15 8 8 [5] - 1212:1, 1253:9, 1292:22, 1292:23, 1323:1 800 [1] - 1221:9 800,000 [1] - 1221:2 8021-C [1] - 1289:10 8021-R [5] - 1288:22, 1289:9, 1289:18, 1289:19, 1374:4 81 [1] - 1316:18 82,915 [1] - 1219:19 83 [1] - 1295:1 85.70 [1] - 1219:3 85255 [1] - 1290:18 88 [2] - 1219:5, 1219:6	1223:12, 1224:18, 1224:21, 1224:25, 1225:2, 1225:4, 1225:22, 1226:2, 1247:10, 1285:8, 1294:7, 1294:14, 1294:16, 1294:17, 1295:6, 1296:7, 1298:17, 1298:19, 1299:14, 1303:18, 1303:20, 1303:24, 1304:1, 1304:2, 1304:3, 1304:5, 1304:11, 1304:15, 1310:6, 1317:16, 1321:6, 1321:19, 1321:24, 1325:1, 1325:22, 1325:23, 1325:25, 1327:18, 1336:25, 1337:21, 1338:7, 1338:9, 1338:18, 1340:9, 1341:9, 1341:13, 1341:15, 1341:16, 1341:17, 1342:19, 1344:19, 1351:4, 1351:13, 1354:24, 1359:2 accounted [1] - 1229:14 accounting [1] - 1284:4 accounts [22] - 1219:24, 1240:14, 1242:12, 1287:2, 1294:4, 1294:13, 1294:22, 1295:10, 1304:13, 1323:20, 1323:22, 1323:25, 1325:19, 1338:12, 1338:17, 1338:20, 1338:25, 1340:13, 1340:16, 1341:18, 1342:6 accuracy [1] - 1242:21 accurate [8] - 1190:23, 1190:24, 1246:4, 1246:17, 1259:17, 1265:5, 1326:9, 1337:25 accurately [1] - 1263:6 accusation [1] - 1260:3 accusations [2] - 1232:9, 1233:18 accuse [3] - 1230:4, 1231:25, 1233:8 accused [3] - 1231:18, 1234:8, 1274:15	accuses [1] - 1233:13 accusing [4] - 1247:11, 1247:23, 1250:14, 1259:7 Ace [1] - 1183:5 acknowledge [1] - 1370:10 acknowledges [1] - 1260:7 acronym [1] - 1200:3 acting [2] - 1180:16, 1262:13 action [1] - 1362:16 actions [1] - 1262:10 active [3] - 1228:9, 1228:23, 1259:7 activities [2] - 1200:25, 1261:4 activity [1] - 1274:8 acts [1] - 1274:11 actual [4] - 1187:22, 1199:14, 1279:12, 1305:1 addition [4] - 1197:23, 1220:19, 1237:20, 1240:15 additional [10] - 1237:3, 1239:19, 1242:10, 1248:4, 1248:22, 1249:25, 1341:5, 1341:16, 1370:7, 1370:9 address [5] - 1236:4, 1273:4, 1290:12, 1290:14, 1290:17 addresses [3] - 1355:5, 1370:15, 1370:19 adds [1] - 1259:21 adjourned [1] - 1372:3 admissibility [1] - 1273:8 admission [1] - 1260:14 admit [6] - 1235:7, 1259:14, 1259:15, 1267:9, 1305:19, 1310:9 admitted [9] - 1263:6, 1279:2, 1286:4, 1289:18, 1317:2, 1326:19, 1345:5, 1353:2, 1360:22 advance [1] - 1216:5 advertise [1] - 1349:25 advise [1] - 1275:12 advised [2] - 1322:7, 1363:4 advising [1] - 1346:2
3	5	9	A	
3 [4] - 1220:10, 1238:17, 1290:7, 1294:3 3,400,000 [1] - 1349:24 3.5 [1] - 1209:2 30 [11] - 1210:23, 1211:16, 1211:19, 1212:18, 1212:20, 1212:21, 1213:8, 1326:8, 1328:7, 1346:16, 1347:2 30-day [3] - 1211:1, 1211:17, 1212:11 300 [2] - 1181:1, 1221:2 30th [4] - 1346:18, 1346:19, 1346:20, 1346:21 31 [1] - 1294:5 3223 [1] - 1287:15 32nd [1] - 1211:5 3321 [6] - 1283:18, 1284:12, 1286:4, 1286:6, 1287:10, 1374:3 3322 [1] - 1287:3 3323 [2] - 1287:3, 1287:20 3324 [1] - 1287:4 3324-A [2] - 1288:2, 1288:12 3397 [5] - 1278:5, 1278:24, 1279:2, 1279:3, 1374:2 341 [1] - 1181:2 350 [1] - 1221:3 36 [1] - 1204:7 37 [3] - 1316:5, 1316:22, 1317:4 3rd [1] - 1256:13	5 [10] - 1193:21, 1209:6, 1295:19, 1357:17, 1357:19, 1357:21, 1368:14, 1368:22, 1369:7, 1369:16 50 [1] - 1366:16 50,000 [3] - 1337:24, 1346:19, 1346:20 500-plus [1] - 1225:23 55 [4] - 1270:25, 1271:4, 1271:6 580,000 [1] - 1224:22	9 [1] - 1218:4 90 [3] - 1213:2, 1213:8, 1213:16 93rd [1] - 1290:18 9:30 [5] - 1180:10, 1368:8, 1368:12, 1372:2, 1372:4 9:55 [1] - 1181:12		
4	6	a.m [5] - 1180:10, 1181:12, 1202:15, 1203:11, 1372:4 a/k/a [2] - 1180:6, 1180:8 ability [1] - 1272:5 able [8] - 1187:11, 1209:2, 1219:1, 1265:6, 1271:23, 1272:1, 1307:20, 1328:23 absent [1] - 1268:1 accept [1] - 1362:10 accomplish [1] - 1356:4 according [8] - 1217:1, 1327:21, 1327:23, 1329:5, 1352:6, 1354:7, 1355:16, 1357:10 account [71] - 1210:19, 1215:1, 1215:3, 1218:1, 1218:11, 1219:25, 1220:3, 1220:11, 1220:15, 1220:19, 1221:25, 1223:8,		
4 [7] - 1189:9, 1189:25, 1190:25,	7			
	7 [1] - 1292:6 70-A [1] - 1256:4 700 [5] - 1217:8, 1220:16, 1221:1, 1221:9, 1221:23			

advocating [1] - 1228:6	1271:5	1251:7, 1253:19, 1304:13, 1322:5, 1328:16, 1366:6, 1366:15	appearances [2] - 1297:11, 1315:5	1273:12
affidavit [26] - 1242:14, 1242:19, 1243:2, 1243:8, 1243:12, 1243:17, 1243:22, 1244:7, 1245:7, 1246:5, 1246:10, 1246:12, 1247:4, 1247:12, 1247:15, 1247:16, 1247:23, 1248:17, 1250:13, 1253:7, 1253:9, 1322:11, 1322:16, 1322:23, 1324:4, 1332:17	ahead [6] - 1231:22, 1236:6, 1239:24, 1311:5, 1336:13, 1353:9	analyzed [1] - 1274:5	APPEARANCES [1] - 1180:14	asserted [1] - 1257:5
affiliated [4] - 1186:10, 1186:14, 1197:4, 1365:9	aligned [1] - 1315:15	AND [1] - 1374:11	appeared [1] - 1315:13	assets [5] - 1293:1, 1343:17, 1345:20, 1364:22, 1364:25
affiliates [3] - 1282:6, 1282:14	ALL [1] - 1185:9	ANDREW [1] - 1181:4	appearing [2] - 1220:11, 1243:13	Assistant [1] - 1180:18
afford [1] - 1369:10	allegation [3] - 1263:15, 1263:19, 1280:2	Andrew [1] - 1182:7	applies [1] - 1306:1	assisting [1] - 1364:20
afield [1] - 1234:6	allegations [13] - 1232:15, 1233:16, 1259:9, 1262:2, 1262:6, 1262:23, 1263:2, 1263:14, 1263:21, 1263:25, 1265:17, 1306:7, 1306:24	angel [1] - 1335:18	apply [1] - 1299:2	associate [2] - 1264:21, 1292:19
afoul [3] - 1233:4, 1255:4, 1310:17	alleged [8] - 1262:19, 1262:23, 1264:22, 1268:16, 1269:10, 1274:11, 1306:19	announce [1] - 1183:3	appreciate [4] - 1203:6, 1203:14, 1263:3, 1369:12	associated [1] - 1348:9
AFTERNOON [1] - 1275:1	allegedly [3] - 1251:12, 1325:5, 1333:8	annually [1] - 1355:11	approach [5] - 1232:19, 1254:8, 1256:23, 1301:9, 1309:6	associates [4] - 1186:22, 1350:19, 1350:21, 1351:17
afternoon [6] - 1276:17, 1276:18, 1296:23, 1296:24, 1308:24, 1333:15	alleging [2] - 1271:21, 1272:3	answer [25] - 1188:10, 1213:12, 1221:5, 1224:24, 1230:7, 1231:4, 1231:22, 1235:8, 1239:23, 1240:22, 1245:19, 1249:6, 1249:9, 1266:21, 1298:25, 1310:20, 1314:11, 1324:12, 1337:13, 1342:12, 1351:19, 1358:9, 1358:23, 1362:14, 1367:4	approached [1] - 1363:14	assume [5] - 1190:9, 1191:21, 1234:22, 1355:22, 1369:17
Agent [4] - 1189:16, 1194:5, 1212:14	Alliance [3] - 1288:4, 1288:9, 1288:13	answered [7] - 1189:15, 1205:25, 1323:6, 1324:10, 1350:16, 1363:16, 1365:12	appropriate [1] - 1247:10	assumed [1] - 1252:20
agent [3] - 1209:10, 1212:21, 1212:25	allow [9] - 1224:24, 1239:24, 1274:16, 1274:18, 1297:22, 1300:7, 1308:1, 1310:12, 1324:11	answering [2] - 1296:11, 1352:19	approximate [2] - 1218:20, 1327:20	assuming [1] - 1282:15
agents [11] - 1189:23, 1190:2, 1191:1, 1193:1, 1193:5, 1194:11, 1194:16, 1197:17, 1209:16, 1209:20, 1210:1	allowed [2] - 1286:10, 1291:12	answers [4] - 1234:19, 1259:23, 1335:5, 1363:11	April [24] - 1243:4, 1243:10, 1245:14, 1247:6, 1247:17, 1289:6, 1291:4, 1293:6, 1324:8, 1324:13, 1324:16, 1326:8, 1327:11, 1328:7, 1328:10, 1329:5, 1329:14, 1329:16, 1329:23, 1330:1, 1331:16, 1350:3	attached [2] - 1353:17, 1357:1
ago [4] - 1249:24, 1250:19, 1305:25, 1312:16	allowing [1] - 1310:15	anticipated [4] - 1248:21, 1261:24, 1368:5, 1370:3	area [7] - 1204:10, 1209:8, 1235:16, 1235:18, 1236:4, 1236:9, 1260:19	attack [1] - 1262:14
agree [15] - 1198:1, 1207:19, 1208:7, 1218:5, 1222:22, 1267:24, 1272:12, 1277:21, 1313:13, 1314:14, 1325:20, 1331:18, 1332:11, 1359:9, 1371:22	alluded [1] - 1250:18	antsy [1] - 1213:3	areas [1] - 1204:13	attempted [1] - 1362:20
agreement [11] - 1192:17, 1192:18, 1192:19, 1206:3, 1281:12, 1281:13, 1281:15, 1282:19, 1355:13, 1355:17, 1361:7	almost [1] - 1319:11	anytime [2] - 1212:25, 1301:1	argue [2] - 1262:7, 1269:14	attempting [3] - 1195:23, 1362:22, 1365:10
agreements [1] -	alternates [3] - 1184:3, 1368:23, 1369:11	apart [1] - 1342:21	arguing [1] - 1261:5	attention [11] - 1186:5, 1189:12, 1193:22, 1253:11, 1281:19, 1287:15, 1288:2, 1321:11, 1322:14, 1326:1, 1336:17
	Aman [1] - 1296:9	apartment [1] - 1290:19	argument [1] - 1273:7	attorney [9] - 1227:17, 1242:18, 1270:21, 1276:20, 1303:4, 1304:22, 1319:5, 1319:8, 1361:5
	America [2] - 1294:8, 1294:24	apologize [16] - 1187:17, 1193:18, 1217:24, 1267:5, 1268:3, 1270:12, 1271:2, 1284:14, 1285:13, 1285:14, 1304:20, 1321:22, 1325:14, 1342:4, 1358:4, 1368:18	arguments [3] - 1263:13, 1334:3, 1334:13	Attorney [1] - 1180:16
	AMERICA [1] - 1180:3	appeal [1] - 1359:8	Arizona [13] - 1189:21, 1204:19, 1205:19, 1290:11, 1297:5, 1301:4, 1303:6, 1318:23, 1318:24, 1361:4, 1361:13, 1361:24, 1362:2	attorneys [2] - 1270:6, 1301:8
	American [2] - 1264:16, 1359:20	appear [8] - 1297:12, 1297:15, 1297:18, 1298:2, 1327:11, 1329:18, 1331:7	arranged [1] - 1264:15	Attorneys [1] - 1180:18
	amount [17] - 1187:4, 1192:11, 1192:12, 1198:21, 1209:4, 1210:12, 1215:21, 1216:12, 1218:20, 1218:21, 1221:20, 1222:6, 1242:7, 1298:11, 1347:1, 1350:20	appearance [3] - 1181:17, 1297:20, 1315:2	article [3] - 1277:18, 1303:9, 1303:10	August [16] - 1186:8, 1188:1, 1199:18, 1206:3, 1206:11, 1206:13, 1207:12, 1210:7, 1218:4, 1219:4, 1219:10, 1220:5, 1220:12, 1223:8, 1223:10, 1224:21
	amounted [1] - 1264:13		aside [1] - 1248:8	authenticity [2] - 1235:10, 1235:11
	amounts [8] - 1251:5,		aspect [2] - 1269:16,	available [4] - 1274:13, 1275:20,

1289:10, 1369:11 Avenue [1] - 1277:8 avoid [2] - 1280:4, 1308:10 aware [18] - 1188:1, 1192:10, 1192:12, 1199:4, 1199:6, 1200:25, 1208:22, 1226:19, 1227:3, 1227:6, 1234:16, 1303:3, 1322:19, 1334:4, 1347:5, 1347:10, 1355:19, 1362:25 AZ [1] - 1242:15	1246:10, 1247:5, 1252:4, 1253:4, 1262:15, 1279:15, 1307:19, 1333:2, 1333:5, 1334:23 basis [2] - 1201:9, 1205:22 Beach [6] - 1239:10, 1293:18, 1297:4, 1299:20, 1319:18, 1323:24 bear [3] - 1217:24, 1261:17, 1261:20 bears [2] - 1261:12, 1262:16 became [2] - 1199:11, 1199:17 becoming [1] - 1260:25 BEFORE [1] - 1180:11 began [1] - 1213:9 begin [3] - 1185:12, 1265:5, 1279:10 beginning [4] - 1198:22, 1218:4, 1218:9, 1262:3 begins [1] - 1340:14 behalf [29] - 1241:7, 1241:9, 1243:25, 1248:15, 1249:1, 1283:7, 1287:8, 1287:11, 1287:18, 1287:24, 1288:4, 1288:6, 1288:13, 1295:16, 1304:7, 1317:13, 1318:16, 1318:20, 1320:21, 1325:6, 1332:13, 1332:19, 1332:24, 1332:25, 1344:19, 1346:12, 1347:11, 1347:23, 1363:15 behind [3] - 1217:25, 1348:14, 1368:24 belief [1] - 1263:20 believes [1] - 1263:25 belong [3] - 1239:16, 1323:13, 1323:17 belonged [4] - 1322:2, 1327:17, 1339:4, 1342:1 beneficiary [1] - 1329:9 benefit [1] - 1265:18 benefited [1] - 1264:12 best [5] - 1263:5, 1322:6, 1339:16, 1369:22, 1370:16 between [17] -	1187:24, 1191:13, 1199:13, 1211:24, 1212:2, 1221:1, 1268:4, 1273:17, 1301:8, 1304:24, 1305:5, 1306:13, 1345:24, 1350:2, 1359:5, 1361:22, 1365:23 BIANCO [1] - 1180:12 billionaire [1] - 1312:18 bills [1] - 1343:21 bit [3] - 1220:5, 1226:14, 1263:12 Black [4] - 1353:18, 1353:20, 1354:15, 1357:7 blame [3] - 1264:20, 1266:1, 1269:17 blaming [2] - 1234:1, 1306:3 blocked [3] - 1286:8, 1286:11, 1286:13 blow [1] - 1370:6 blow-ups [1] - 1370:6 board [3] - 1355:17, 1355:18, 1355:22 Bob [4] - 1214:6, 1339:6, 1340:24, 1352:11 body [1] - 1371:2 bold [1] - 1266:4 borrowed [1] - 1296:10 bottom [5] - 1217:20, 1289:21, 1291:7, 1292:16, 1338:5 bought [7] - 1207:21, 1291:11, 1293:19, 1363:23, 1366:25, 1367:7, 1367:11 bracketed [1] - 1209:8 brackets [4] - 1218:17, 1247:9, 1345:12, 1350:1 break [21] - 1184:10, 1185:16, 1203:5, 1235:13, 1236:5, 1255:7, 1257:13, 1258:3, 1267:18, 1267:19, 1270:4, 1270:5, 1275:9, 1305:14, 1305:15, 1308:5, 1333:14, 1333:15, 1333:21, 1351:8, 1368:2 Brickell [1] - 1277:8 bridge [1] - 1212:19 brief [4] - 1182:9,	1183:12, 1275:21, 1284:14 briefly [1] - 1318:19 bring [11] - 1191:2, 1203:7, 1260:15, 1266:8, 1275:8, 1275:11, 1307:7, 1307:8, 1309:5, 1336:2, 1369:6 bringing [2] - 1189:21, 1262:5 broke [2] - 1296:9, 1366:10 broken [1] - 1183:4 brother [1] - 1214:6 brought [4] - 1279:18, 1300:17, 1318:19, 1362:17 browbeating [2] - 1228:13, 1228:16 brunt [1] - 1370:22 Bruton [1] - 1233:4 build [1] - 1187:3 Builder [1] - 1349:25 bunch [2] - 1227:17, 1241:8 burden [2] - 1272:15, 1272:25 busboy [1] - 1312:19 business [9] - 1271:8, 1271:13, 1271:14, 1284:8, 1284:10, 1292:10, 1292:18, 1295:7, 1296:6 businesses [5] - 1291:15, 1291:17, 1292:13, 1292:21, 1296:7 buy [12] - 1207:23, 1207:25, 1208:14, 1363:21, 1364:21, 1365:5, 1365:8, 1365:10, 1365:18, 1366:8, 1366:12 buying [4] - 1345:11, 1363:7, 1363:10, 1365:15 BY [38] - 1180:17, 1180:23, 1186:2, 1203:18, 1224:1, 1225:8, 1226:24, 1227:10, 1229:18, 1231:1, 1236:8, 1241:16, 1244:21, 1247:1, 1248:7, 1249:14, 1250:10, 1256:2, 1276:16, 1281:3, 1286:18, 1296:22, 1303:2, 1304:21, 1305:4,	1311:8, 1314:5, 1317:8, 1323:10, 1324:22, 1326:21, 1328:3, 1331:1, 1336:16, 1373:4, 1373:8, 1373:10, 1373:14 C C-58 [1] - 1205:6 C-63 [2] - 1320:13, 1321:25 C-64 [2] - 1244:6, 1322:10 C-66 [5] - 1326:16, 1326:19, 1326:20, 1327:1, 1374:8 C-70-A [2] - 1256:4, 1256:16 C-72 [5] - 1343:25, 1344:23, 1345:5, 1345:6, 1374:9 C-73 [5] - 1352:12, 1352:22, 1353:2, 1353:3, 1374:10 C-74 [5] - 1360:6, 1360:17, 1360:22, 1360:23, 1374:11 C-75 [5] - 1360:7, 1360:17, 1360:22, 1360:23, 1374:11 C-81 [6] - 1317:2, 1317:7, 1319:5, 1321:10, 1326:24, 1374:7 Cabo [4] - 1222:24, 1223:2, 1230:1, 1231:8 CALCAGNI [1] - 1180:21 California [4] - 1196:8, 1227:13, 1227:14, 1340:9 capacity [4] - 1191:22, 1195:20, 1229:13, 1295:16 car [5] - 1271:7, 1271:8, 1271:14, 1295:8, 1295:12 card [3] - 1264:16, 1346:17, 1359:5 care [3] - 1244:22, 1245:3, 1254:6 Carey [3] - 1276:24, 1276:25, 1289:22 Carleton [1] - 1351:5 cars [2] - 1263:24, 1281:16 case [29] - 1181:15,
---	--	---	--	--

1202:13, 1242:15, 1258:4, 1263:15, 1269:16, 1272:6, 1273:12, 1274:4, 1280:3, 1286:10, 1286:12, 1286:15, 1297:19, 1297:24, 1298:13, 1299:4, 1299:15, 1315:5, 1320:24, 1333:16, 1334:5, 1334:16, 1362:11, 1368:9, 1369:9, 1369:12, 1369:14 cash [11] - 1217:5, 1221:23, 1222:11, 1222:15, 1222:18, 1223:1, 1223:4, 1245:9, 1271:10, 1271:13, 1346:16 catch [1] - 1368:7 caught [1] - 1230:2 center [2] - 1279:16, 1281:4 centerpiece [1] - 1263:13 central [2] - 1272:5, 1274:3 Central [3] - 1180:5, 1180:17, 1181:8 ceremony [2] - 1184:9, 1185:13 certain [4] - 1234:4, 1273:21, 1286:8, 1359:5 certainly [11] - 1187:2, 1228:20, 1259:7, 1271:22, 1272:1, 1339:20, 1339:21, 1354:11, 1359:10, 1365:17, 1371:23 certainty [1] - 1303:8 certified [2] - 1289:3, 1289:10 cetera [1] - 1346:19 chance [8] - 1193:24, 1194:2, 1256:5, 1271:16, 1273:6, 1288:24, 1307:16, 1352:18 changed [7] - 1215:13, 1215:15, 1215:16, 1216:11, 1216:18, 1221:6, 1250:11 changes [2] - 1234:5, 1355:19 changing [1] - 1226:13 charge [1] - 1354:20	charged [1] - 1269:21 check [2] - 1272:14, 1342:5 checked [1] - 1358:13 chief [1] - 1200:6 chose [1] - 1264:13 Chris [4] - 1198:2, 1219:4, 1220:6, 1369:24 civil [5] - 1231:5, 1277:12, 1297:24, 1299:4, 1315:3 claim [12] - 1241:2, 1269:16, 1269:19, 1320:7, 1320:10, 1321:7, 1322:2, 1322:6, 1323:13, 1325:17, 1329:18, 1334:5 claimed [2] - 1327:16, 1354:7 claiming [3] - 1265:21, 1265:24, 1272:10 claims [1] - 1262:17 clarification [2] - 1315:1, 1320:21 clarify [1] - 1198:19 clear [12] - 1220:10, 1259:5, 1262:2, 1262:8, 1281:19, 1285:10, 1288:10, 1314:6, 1316:1, 1316:14, 1321:2, 1327:15 clearly [7] - 1233:21, 1260:25, 1262:12, 1272:4, 1274:3, 1296:9, 1305:21 CLERK [9] - 1181:13, 1181:15, 1185:5, 1203:12, 1275:3, 1275:15, 1276:4, 1276:11, 1336:11 client [25] - 1183:2, 1233:19, 1260:4, 1261:1, 1261:9, 1261:15, 1261:17, 1261:19, 1261:22, 1261:25, 1265:3, 1271:24, 1272:21, 1272:25, 1297:20, 1299:4, 1300:18, 1302:10, 1304:1, 1304:2, 1304:7, 1304:9, 1304:11, 1336:25 client's [3] - 1233:21, 1261:21, 1263:20 clients [3] - 1282:2,	1304:12, 1304:14 clip [1] - 1234:25 close [3] - 1197:25, 1201:7, 1310:11 closed [2] - 1207:5, 1207:11 closing [27] - 1206:23, 1206:24, 1207:3, 1207:6, 1207:9, 1207:11, 1207:19, 1208:23, 1209:11, 1210:7, 1210:8, 1215:11, 1215:13, 1215:24, 1216:2, 1216:5, 1216:9, 1216:19, 1216:22, 1217:8, 1218:2, 1218:12, 1219:22, 1221:23, 1222:18, 1222:21, 1225:16 clothing [1] - 1277:19 CMG [6] - 1247:9, 1248:24, 1253:13, 1321:18, 1321:24, 1323:4 co [2] - 1262:19, 1262:22 co-conspirator [2] - 1262:19, 1262:22 Cody [2] - 1214:8, 1214:10 collateral [1] - 1343:18 collateralized [2] - 1364:22, 1364:25 collected [1] - 1214:25 collecting [4] - 1199:23, 1200:19, 1200:22, 1201:2 combine [1] - 1335:2 coming [7] - 1183:6, 1190:16, 1208:3, 1272:15, 1285:3, 1302:12, 1339:5 commence [1] - 1185:23 commenced [1] - 1279:13 comments [1] - 1312:22 commercial [2] - 1277:12, 1279:9 communicate [1] - 1344:9 communicated [2] - 1344:3, 1349:6 communicating [3] - 1352:7, 1352:15, 1360:24	communication [1] - 1207:2 communications [6] - 1253:25, 1256:7, 1256:10, 1301:7, 1302:8, 1351:25 companies [3] - 1251:16, 1359:6, 1359:19 company [40] - 1195:18, 1195:20, 1204:18, 1204:24, 1205:3, 1205:19, 1214:19, 1236:24, 1237:1, 1237:5, 1237:6, 1237:11, 1237:21, 1242:10, 1245:8, 1248:23, 1249:21, 1251:15, 1278:10, 1279:18, 1283:7, 1298:21, 1298:22, 1299:8, 1299:9, 1343:14, 1343:17, 1343:20, 1345:25, 1346:4, 1347:6, 1347:11, 1348:16, 1359:24, 1363:6, 1363:24, 1364:3, 1364:22, 1364:25, 1365:2 Company [1] - 1214:20 company's [1] - 1248:21 complaint [1] - 1306:7 complete [2] - 1187:6, 1355:16 completeness [1] - 1274:18 comply [3] - 1298:22, 1299:5, 1299:9 component [1] - 1265:11 computer [1] - 1258:13 Con [1] - 1295:13 concern [1] - 1334:14 concerns [2] - 1233:15, 1272:19 conclude [1] - 1205:2 Concluded [1] - 1183:16 concluded [3] - 1184:13, 1280:10, 1285:16 conclusion [1] - 1298:24 condition [1] - 1183:15 condos [1] - 1293:18	conducted [5] - 1182:11, 1184:1, 1279:23, 1284:16, 1301:10 Conducted [1] - 1183:1 conference [11] - 1182:11, 1184:1, 1184:13, 1279:23, 1280:1, 1280:10, 1284:16, 1285:1, 1285:16, 1301:10, 1302:1 Conference [2] - 1183:1, 1183:16 confirm [2] - 1353:19, 1370:15 conflict [1] - 1282:15 conflicts [1] - 1369:21 confused [2] - 1307:4, 1361:22 confusing [2] - 1193:14, 1338:19 connection [7] - 1261:23, 1271:24, 1273:17, 1281:20, 1283:1, 1297:17, 1303:13 consider [1] - 1358:21 conspiracy [3] - 1266:7, 1269:12, 1269:19 conspirator [2] - 1262:19, 1282:22 conspirators [1] - 1234:1 CONSTANTINE [4] - 1180:7, 1203:6, 1374:9, 1374:10 constantine [14] - 1205:18, 1277:20, 1277:25, 1278:10, 1286:22, 1299:15, 1299:22, 1299:25, 1300:4, 1300:13, 1300:15, 1301:1, 1359:3, 1368:1 Constantine [199] - 1181:1, 1181:16, 1182:4, 1182:7, 1202:3, 1202:8, 1203:3, 1208:24, 1209:12, 1209:16, 1209:20, 1210:1, 1227:18, 1228:4, 1228:14, 1228:17, 1228:19, 1229:2, 1229:4, 1229:9, 1229:12, 1232:8, 1232:14, 1233:12,
---	---	---	--	--

1233:15, 1234:21, 1234:22, 1234:23, 1236:18, 1237:7, 1237:10, 1238:2, 1238:4, 1242:11, 1242:13, 1242:17, 1244:3, 1245:8, 1246:11, 1247:7, 1247:8, 1247:12, 1247:15, 1247:19, 1247:23, 1248:24, 1248:25, 1249:3, 1249:17, 1250:5, 1250:14, 1250:20, 1251:15, 1252:1, 1252:6, 1252:10, 1252:15, 1252:25, 1253:3, 1253:6, 1253:14, 1253:23, 1254:1, 1256:8, 1256:11, 1259:20, 1262:4, 1262:9, 1262:13, 1262:18, 1264:9, 1264:19, 1265:7, 1265:16, 1266:2, 1268:2, 1268:5, 1269:17, 1270:15, 1273:15, 1274:8, 1277:14, 1278:10, 1278:15, 1278:17, 1279:8, 1279:9, 1279:11, 1281:7, 1281:21, 1282:2, 1282:5, 1282:9, 1282:15, 1282:18, 1282:22, 1283:1, 1284:1, 1287:18, 1288:18, 1289:4, 1290:2, 1290:8, 1290:9, 1291:10, 1292:9, 1292:11, 1292:23, 1292:25, 1293:21, 1294:6, 1294:11, 1294:14, 1294:21, 1295:2, 1295:9, 1295:13, 1295:17, 1295:24, 1296:25, 1297:5, 1297:8, 1297:14, 1298:1, 1298:18, 1303:17, 1304:23, 1306:2, 1306:20, 1306:21, 1308:10, 1308:11, 1310:5, 1310:14, 1311:13, 1312:2, 1312:8, 1312:13, 1312:22, 1312:25, 1313:8, 1314:16, 1317:13, 1320:7, 1320:9, 1321:6,	1322:3, 1322:7, 1322:16, 1322:17, 1322:20, 1323:4, 1323:11, 1323:14, 1323:18, 1323:21, 1325:1, 1325:18, 1326:7, 1327:12, 1327:17, 1328:6, 1328:12, 1329:11, 1329:22, 1331:10, 1331:17, 1332:12, 1332:20, 1337:17, 1339:3, 1339:7, 1343:5, 1343:10, 1343:16, 1344:4, 1345:6, 1345:8, 1345:19, 1345:21, 1348:19, 1348:24, 1351:14, 1352:9, 1353:3, 1354:9, 1359:11, 1360:2, 1360:15, 1360:24, 1361:4, 1362:17, 1362:23, 1364:5, 1365:15, 1365:23, 1367:10 Constantine's [14] - 1245:24, 1248:20, 1271:7, 1281:5, 1288:6, 1303:3, 1303:11, 1305:22, 1306:5, 1306:23, 1311:20, 1311:23, 1316:18, 1329:22 constantine's [5] - 1183:15, 1287:8, 1287:11, 1287:24, 1298:14 construction [1] - 1294:16 consulting [2] - 1188:24, 1192:18 contact [3] - 1202:3, 1320:9, 1362:23 contacted [1] - 1213:10 contained [2] - 1283:24, 1289:18 contains [3] - 1283:25, 1316:10, 1353:17 contemporaneous [1] - 1284:5 contents [1] - 1243:22 context [6] - 1234:9, 1260:19, 1267:15, 1308:18, 1310:10, 1310:12 continue [5] - 1185:10, 1203:15,	1247:4, 1253:21, 1282:10 Continued [8] - 1232:21, 1235:20, 1254:9, 1255:12, 1256:25, 1257:15, 1309:7, 1310:23 CONTINUED [3] - 1203:17, 1281:2, 1286:17 continued [18] - 1182:12, 1183:17, 1184:14, 1185:1, 1202:16, 1223:15, 1259:3, 1274:24, 1279:24, 1280:11, 1281:1, 1284:17, 1285:17, 1286:1, 1301:11, 1302:14, 1330:4, 1356:6 continues [1] - 1371:20 contradict [1] - 1332:17 contradicts [1] - 1259:8 contribute [1] - 1226:16 contribution [2] - 1213:24, 1222:11 controlled [4] - 1248:24, 1253:14, 1298:17, 1323:4 conversation [22] - 1205:3, 1211:11, 1215:15, 1233:14, 1259:17, 1259:19, 1260:18, 1267:15, 1269:18, 1308:9, 1311:10, 1311:12, 1313:7, 1313:11, 1339:9, 1339:10, 1343:10, 1359:3, 1364:6, 1364:8, 1365:14, 1367:1 conversations [5] - 1201:22, 1249:22, 1252:24, 1266:2, 1343:15 CONWAY [1] - 1181:1 COO [1] - 1200:3 copied [1] - 1321:4 copies [1] - 1258:15 copy [6] - 1260:17, 1278:9, 1283:23, 1289:10, 1322:10, 1324:21 corner [1] - 1224:15 cornerstone [1] - 1265:3	corporation [1] - 1293:20 correct [241] - 1186:8, 1186:9, 1187:11, 1187:19, 1190:6, 1190:11, 1190:13, 1190:16, 1190:20, 1192:9, 1192:10, 1192:16, 1197:10, 1198:2, 1198:7, 1198:8, 1199:12, 1200:10, 1200:12, 1200:15, 1200:23, 1201:18, 1203:24, 1204:1, 1204:4, 1204:8, 1204:11, 1204:12, 1204:15, 1205:5, 1205:23, 1206:4, 1206:5, 1206:11, 1207:4, 1207:7, 1207:10, 1208:5, 1208:6, 1209:17, 1209:18, 1210:14, 1210:15, 1210:25, 1211:7, 1211:12, 1211:23, 1212:1, 1212:22, 1213:22, 1213:23, 1214:1, 1215:9, 1215:22, 1215:23, 1216:6, 1216:10, 1216:23, 1217:5, 1217:9, 1218:5, 1219:17, 1219:22, 1220:2, 1220:4, 1220:17, 1221:1, 1221:3, 1221:9, 1222:4, 1223:3, 1224:7, 1225:10, 1225:11, 1225:14, 1226:3, 1226:4, 1226:12, 1226:21, 1227:22, 1228:23, 1229:5, 1230:19, 1230:23, 1231:9, 1232:5, 1236:19, 1236:20, 1236:21, 1236:22, 1237:11, 1238:10, 1238:15, 1238:20, 1238:25, 1239:2, 1239:5, 1239:17, 1239:18, 1240:25, 1241:4, 1241:5, 1241:17, 1242:5, 1242:11, 1244:1, 1244:23, 1245:1, 1245:10, 1245:25, 1246:5, 1248:9, 1249:1, 1249:18, 1249:21, 1250:1, 1250:2,	1250:24, 1251:8, 1251:9, 1251:10, 1251:11, 1251:13, 1251:20, 1252:6, 1252:13, 1252:16, 1253:7, 1253:16, 1256:13, 1281:6, 1282:24, 1287:7, 1291:6, 1295:3, 1295:17, 1297:1, 1297:21, 1297:23, 1298:9, 1299:7, 1299:16, 1299:17, 1304:17, 1312:6, 1313:9, 1313:17, 1313:19, 1313:22, 1314:24, 1315:3, 1315:24, 1316:4, 1317:9, 1317:14, 1317:20, 1318:9, 1318:13, 1318:17, 1319:1, 1319:15, 1321:3, 1321:17, 1322:8, 1322:9, 1322:12, 1322:17, 1322:21, 1322:23, 1323:1, 1323:22, 1324:3, 1324:9, 1324:16, 1325:24, 1326:10, 1327:13, 1327:18, 1327:19, 1329:12, 1329:13, 1329:20, 1331:7, 1331:23, 1332:13, 1332:18, 1332:21, 1333:4, 1333:9, 1336:22, 1336:23, 1337:1, 1337:2, 1337:11, 1337:21, 1338:5, 1338:6, 1338:15, 1338:23, 1339:1, 1339:2, 1339:18, 1339:21, 1340:6, 1340:11, 1341:2, 1341:21, 1341:22, 1342:23, 1344:12, 1344:20, 1344:21, 1345:9, 1345:20, 1345:22, 1346:4, 1347:3, 1353:13, 1354:8, 1354:13, 1354:14, 1354:22, 1354:25, 1355:3, 1355:7, 1355:25, 1357:3, 1357:8, 1357:12, 1357:13, 1357:24, 1361:25, 1362:1, 1362:4, 1362:25, 1364:18, 1365:2, 1365:22, 1366:20,
---	--	--	--	---

U.S.A. v. KENNER and CONSTANTINE

7

<p>1367:8, 1367:12 correctly [5] - 1189:18, 1200:7, 1218:6, 1245:5, 1346:23 correspond [1] - 1328:16 correspondence [1] - 1355:6 corresponding [1] - 1360:2 coughing [1] - 1353:6 counsel [3] - 1181:17, 1182:9, 1310:2 Country [1] - 1181:1 County [2] - 1297:4, 1299:20 couple [8] - 1189:2, 1197:9, 1291:15, 1302:13, 1305:25, 1318:11, 1338:13, 1359:18 course [4] - 1183:10, 1191:23, 1284:8, 1284:10 COURT [222] - 1180:1, 1181:14, 1181:21, 1181:24, 1182:2, 1182:5, 1182:10, 1183:14, 1184:2, 1184:8, 1185:2, 1185:7, 1185:10, 1185:23, 1192:25, 1193:15, 1193:20, 1202:6, 1202:12, 1203:1, 1203:3, 1203:7, 1203:13, 1205:9, 1205:25, 1206:21, 1208:21, 1211:14, 1212:9, 1212:24, 1213:12, 1213:20, 1221:5, 1221:11, 1221:19, 1222:14, 1224:24, 1225:3, 1225:6, 1226:23, 1227:5, 1229:17, 1230:7, 1231:4, 1231:22, 1232:20, 1233:7, 1233:11, 1233:24, 1234:6, 1234:18, 1235:2, 1235:12, 1235:16, 1236:2, 1240:22, 1241:15, 1244:14, 1244:20, 1245:19, 1246:25, 1248:6, 1249:7, 1249:10, 1250:9, 1254:8, 1255:6, 1256:18, 1256:21,</p>	<p>1256:24, 1257:9, 1257:13, 1258:3, 1258:8, 1258:17, 1258:20, 1258:25, 1259:10, 1259:19, 1260:5, 1260:15, 1261:14, 1263:12, 1265:6, 1265:12, 1265:15, 1266:8, 1266:12, 1266:16, 1266:19, 1266:25, 1267:4, 1267:11, 1267:14, 1267:17, 1267:21, 1268:7, 1268:11, 1268:14, 1268:20, 1269:23, 1270:3, 1270:10, 1270:14, 1270:18, 1270:24, 1271:3, 1271:16, 1273:1, 1273:10, 1274:20, 1275:4, 1275:8, 1275:14, 1275:18, 1276:13, 1277:23, 1279:2, 1280:8, 1285:6, 1285:10, 1286:2, 1286:4, 1286:7, 1288:10, 1289:12, 1289:17, 1296:18, 1298:25, 1300:2, 1300:6, 1300:10, 1300:21, 1300:23, 1301:9, 1302:5, 1305:3, 1305:10, 1305:13, 1305:17, 1307:15, 1307:19, 1307:23, 1307:25, 1308:14, 1308:17, 1308:22, 1309:3, 1309:5, 1310:11, 1310:22, 1311:3, 1314:4, 1314:11, 1316:19, 1316:24, 1317:2, 1317:6, 1323:8, 1324:11, 1326:10, 1326:12, 1326:15, 1326:19, 1327:6, 1328:2, 1331:15, 1332:10, 1332:15, 1333:11, 1333:15, 1333:20, 1333:23, 1334:21, 1335:12, 1335:16, 1335:18, 1335:22, 1335:24, 1336:2, 1336:6, 1336:8, 1336:13, 1337:13, 1340:1, 1342:12, 1344:25, 1345:2, 1345:5, 1347:21, 1348:2,</p>	<p>1348:22, 1349:19, 1350:16, 1351:19, 1352:24, 1353:2, 1353:9, 1358:1, 1358:9, 1358:20, 1358:23, 1359:17, 1360:21, 1362:14, 1363:17, 1365:4, 1365:7, 1365:12, 1367:3, 1367:20, 1368:2, 1368:15, 1368:22, 1369:6, 1369:8, 1369:17, 1370:12, 1370:18, 1370:21, 1371:16, 1371:20 Court [13] - 1181:4, 1181:7, 1183:11, 1185:1, 1235:9, 1235:15, 1258:12, 1258:14, 1272:12, 1281:1, 1286:1, 1289:11, 1308:8 court [12] - 1236:1, 1256:1, 1258:2, 1264:5, 1269:13, 1288:25, 1297:11, 1298:2, 1298:8, 1299:2, 1303:1, 1311:1 court's [2] - 1310:18, 1324:20 Court's [4] - 1254:7, 1255:5, 1263:3, 1311:6 Courthouse [1] - 1180:4 courtroom [13] - 1185:6, 1203:10, 1258:7, 1258:24, 1266:11, 1267:20, 1275:16, 1277:16, 1333:18, 1333:22, 1336:12, 1368:13, 1369:7 CR [4] - 1351:5, 1351:21, 1352:4, 1352:9 create [1] - 1285:9 created [6] - 1218:11, 1262:4, 1272:20, 1284:3, 1291:11, 1291:14 creating [1] - 1201:25 credit [5] - 1224:11, 1224:19, 1226:5, 1358:3, 1359:5 Credit [2] - 1218:14, 1349:25 credited [4] - 1358:5,</p>	<p>1358:12, 1358:18, 1358:21 Credits [2] - 1218:16, 1218:19 crimes [1] - 1264:14 criminal [1] - 1274:8 critical [3] - 1260:25, 1273:19, 1371:14 cross [6] - 1185:11, 1234:21, 1268:2, 1275:23, 1296:18, 1371:21 CROSS [5] - 1186:1, 1203:17, 1296:21, 1373:3, 1373:9 cross-examination [3] - 1185:11, 1268:2, 1296:18 CRR [1] - 1181:7 current [4] - 1264:19, 1282:6, 1282:14, 1370:19 curriculum [1] - 1370:6 CURRIE [1] - 1180:15 cut [4] - 1266:17, 1267:3, 1335:16, 1336:4</p>	<p>deal [6] - 1210:22, 1235:12, 1261:6, 1297:9, 1349:23, 1350:6 dealing [3] - 1199:21, 1259:9, 1367:9 deals [6] - 1271:10, 1359:4, 1359:12, 1359:15, 1361:1, 1367:14 dealt [1] - 1362:3 debt [1] - 1273:16 debts [1] - 1272:3 December [24] - 1240:5, 1268:25, 1269:3, 1287:23, 1287:25, 1288:6, 1296:15, 1306:13, 1306:14, 1336:18, 1336:22, 1337:16, 1337:23, 1337:24, 1338:4, 1346:20, 1346:21, 1347:2, 1350:3, 1350:20, 1351:15, 1353:11, 1354:12 decide [1] - 1307:5 default [1] - 1230:2 defendant [4] - 1264:12, 1264:13, 1274:15, 1326:6 Defendant [2] - 1180:21, 1181:1 DEFENDANT'S [2] - 1374:9, 1374:10 Defendant's [6] - 1256:15, 1319:5, 1326:23, 1344:23, 1345:6, 1353:3 Defendants [1] - 1180:9 defendants [2] - 1263:10, 1264:22 Defense [3] - 1317:7, 1326:20, 1360:23 defense [4] - 1263:13, 1265:3, 1266:6, 1270:6 DEFENSE [3] - 1374:7, 1374:8, 1374:11 definitely [1] - 1273:14 defraud [1] - 1262:5 defrauded [1] - 1264:24 degree [1] - 1308:2 Del [3] - 1231:8, 1231:12, 1231:14 deliberative [1] -</p>
---	--	---	---	--

<p>1309:1 Delores [1] - 1339:6 demand [2] - 1333:4, 1333:7 demonstrate [1] - 1274:12 demonstrates [1] - 1262:25 denial [1] - 1260:1 deny [1] - 1244:15 denying [1] - 1261:2 depict [1] - 1200:7 deposed [1] - 1299:15 deposit [4] - 1208:12, 1208:18, 1318:12, 1318:15 deposited [18] - 1208:14, 1215:1, 1219:24, 1219:25, 1220:3, 1321:16, 1323:18, 1325:21, 1327:17, 1328:11, 1331:17, 1332:12, 1332:18, 1332:19, 1332:24, 1332:25, 1339:1, 1351:13 depositing [1] - 1343:3 deposition [25] - 1270:14, 1270:23, 1289:5, 1289:7, 1290:2, 1290:6, 1291:4, 1292:6, 1292:16, 1292:23, 1294:2, 1295:1, 1295:19, 1296:15, 1299:16, 1299:18, 1299:21, 1303:3, 1303:12, 1303:14, 1303:15, 1303:16, 1304:23, 1315:10, 1315:13 depositions [3] - 1288:19, 1315:6, 1315:8 Deposits [1] - 1218:19 deposits [1] - 1332:23 depth [1] - 1273:6 describe [6] - 1200:5, 1232:2, 1279:6, 1279:15, 1281:11, 1306:21 described [3] - 1245:8, 1270:18, 1271:19 describing [1] - 1232:4 description [1] - 1273:21 desperate [1] - 1273:2</p>	<p>desperately [1] - 1345:23 despite [1] - 1264:18 detailed [1] - 1251:22 determination [2] - 1286:9, 1323:22 determine [4] - 1323:12, 1323:17, 1325:16, 1327:16 develop [3] - 1186:22, 1187:1, 1187:11 developed [2] - 1231:14, 1303:14 development [9] - 1186:11, 1187:13, 1187:18, 1187:22, 1198:6, 1199:7, 1199:14, 1283:4, 1283:13 DeVries [1] - 1366:20 Diamante [1] - 1231:12 Diamanté [2] - 1191:20, 1191:21 Diamond [4] - 1353:18, 1353:20, 1354:15, 1357:7 difference [3] - 1305:5, 1367:14, 1367:17 different [4] - 1199:23, 1236:4, 1304:2, 1362:19 difficult [3] - 1207:1, 1235:4, 1272:17 difficulties [1] - 1297:10 difficulty [2] - 1297:8, 1297:11 diligence [1] - 1358:16 dire [1] - 1249:3 direct [13] - 1186:5, 1189:12, 1192:22, 1193:21, 1240:20, 1287:15, 1321:11, 1326:1, 1335:6, 1336:17, 1364:6, 1371:15, 1371:22 DIRECT [4] - 1276:15, 1281:2, 1286:17, 1373:7 directed [8] - 1242:13, 1246:13, 1247:7, 1247:24, 1249:20, 1249:22, 1250:4, 1322:16 directing [4] - 1253:11, 1288:2, 1322:14, 1340:8</p>	<p>direction [2] - 1248:23, 1365:1 directive [1] - 1310:18 directly [4] - 1261:12, 1262:16, 1264:25, 1266:5 directors [2] - 1282:8, 1282:14 disbursement [1] - 1226:2 discloses [1] - 1347:8 disclosing [1] - 1303:12 discuss [6] - 1202:13, 1243:21, 1258:4, 1333:16, 1368:9, 1369:14 discussed [5] - 1253:3, 1253:6, 1289:12, 1289:15, 1366:7 discussing [3] - 1201:10, 1204:18, 1209:5 discussion [2] - 1236:23, 1306:18 discussions [1] - 1279:11 dismissed [3] - 1319:1, 1319:3, 1319:9 display [3] - 1217:18, 1217:20, 1321:10 displayed [1] - 1339:22 displaying [1] - 1279:4 dispute [6] - 1207:16, 1279:16, 1281:4, 1281:15, 1282:23, 1312:5 distinction [1] - 1304:23 DISTRICT [2] - 1180:1, 1180:1 District [1] - 1180:12 diversion [8] - 1264:10, 1268:23, 1269:7, 1269:8, 1273:12, 1273:20, 1306:12, 1306:20 diversions [7] - 1264:11, 1264:12, 1268:16, 1268:17, 1271:25, 1306:11, 1306:25 divert [1] - 1272:9 diverted [6] - 1261:15, 1261:17, 1261:22, 1271:21, 1272:8,</p>	<p>1306:16 diverting [1] - 1271:12 doctor [1] - 1183:5 document [35] - 1189:4, 1189:7, 1189:25, 1190:25, 1194:14, 1194:22, 1205:11, 1205:12, 1209:24, 1216:3, 1217:19, 1251:5, 1251:24, 1251:25, 1252:4, 1254:6, 1278:14, 1278:17, 1279:6, 1279:7, 1281:18, 1284:6, 1286:8, 1286:19, 1288:11, 1289:2, 1316:8, 1317:12, 1324:23, 1339:22, 1340:4, 1340:23, 1341:7, 1353:17, 1357:1 document's [1] - 1193:15 documentary [4] - 1241:11, 1241:19, 1241:22, 1241:25 documentation [7] - 1215:5, 1241:6, 1320:3, 1352:2, 1354:4, 1362:23, 1364:19 documents [5] - 1189:3, 1192:20, 1216:2, 1332:16, 1333:7 Doe [1] - 1269:2 dollar [5] - 1331:10, 1365:16, 1365:19, 1366:13, 1366:15 dollars [6] - 1208:14, 1213:21, 1225:23, 1248:12, 1332:12, 1350:8 domestic [3] - 1219:4, 1219:10, 1220:12 done [11] - 1254:6, 1255:11, 1260:2, 1265:22, 1285:12, 1291:9, 1308:23, 1308:24, 1323:12, 1332:20, 1336:5 Donne [1] - 1188:14 Donnie [4] - 1188:5, 1189:21, 1190:2, 1191:1 door [1] - 1302:10 doubt [1] - 1232:8 down [25] - 1189:12, 1193:23, 1194:11,</p>	<p>1217:20, 1218:23, 1220:5, 1221:17, 1221:21, 1222:2, 1222:4, 1222:6, 1222:20, 1223:2, 1241:8, 1251:23, 1305:10, 1305:12, 1316:3, 1319:10, 1326:23, 1336:4, 1351:9, 1354:16, 1368:18 dream [1] - 1187:17 driver [1] - 1271:9 drivers [1] - 1271:15 driving [1] - 1195:21 due [3] - 1211:5, 1222:3, 1358:16 duly [3] - 1185:21, 1276:9, 1307:12 during [31] - 1183:10, 1186:6, 1186:15, 1186:20, 1188:15, 1190:9, 1192:22, 1195:12, 1199:8, 1201:6, 1204:16, 1204:23, 1213:1, 1235:13, 1260:25, 1262:19, 1262:21, 1267:18, 1270:3, 1271:11, 1273:17, 1277:3, 1280:4, 1288:17, 1296:14, 1297:16, 1299:21, 1306:17, 1308:5, 1352:14, 1366:7</p>
E				
<p>e-mail [38] - 1201:12, 1201:13, 1201:15, 1205:15, 1253:25, 1255:3, 1256:7, 1256:10, 1267:22, 1268:4, 1268:8, 1278:20, 1305:18, 1305:24, 1306:2, 1306:15, 1307:4, 1344:4, 1344:11, 1345:8, 1347:7, 1347:8, 1347:12, 1347:13, 1348:3, 1348:7, 1348:24, 1349:5, 1349:12, 1349:15, 1349:20, 1351:4, 1351:21, 1351:23, 1351:25, 1353:11, 1354:24, 1356:2 e-mails [6] - 1268:20, 1344:8, 1351:24,</p>				

<p>1352:13, 1360:11, 1360:14</p> <p>E-U-F-O-R-A [1] - 1291:20</p> <p>early [5] - 1185:16, 1199:10, 1236:19, 1365:25, 1370:3</p> <p>earnest [1] - 1208:11</p> <p>EASTERN [1] - 1180:1</p> <p>effect [1] - 1215:21</p> <p>effective [1] - 1233:3</p> <p>efficient [1] - 1309:3</p> <p>effort [2] - 1306:21, 1336:8</p> <p>eight [2] - 1211:24, 1212:2</p> <p>EIN [1] - 1354:21</p> <p>either [11] - 1217:4, 1222:10, 1222:18, 1223:4, 1271:14, 1293:25, 1298:17, 1299:5, 1299:8, 1299:13, 1363:14</p> <p>elicited [1] - 1261:11</p> <p>embarrassed [1] - 1183:8</p> <p>emergency [1] - 1183:7</p> <p>emphasize [1] - 1369:12</p> <p>employee [1] - 1200:10</p> <p>employment [2] - 1191:18, 1291:9</p> <p>end [6] - 1236:18, 1238:8, 1296:12, 1322:15, 1334:17, 1368:3</p> <p>endeavor [2] - 1291:14, 1292:3</p> <p>endeavored [1] - 1335:23</p> <p>ended [1] - 1235:3</p> <p>engaged [9] - 1188:2, 1188:16, 1192:1, 1192:15, 1194:24, 1195:9, 1195:13, 1196:13, 1205:18</p> <p>engagement [7] - 1278:9, 1279:7, 1279:14, 1282:17, 1282:18, 1282:22, 1288:17</p> <p>entailed [1] - 1206:3</p> <p>entered [1] - 1336:12</p> <p>Enterprises [2] - 1281:9, 1282:23</p> <p>enters [4] - 1185:6, 1203:10, 1266:11, 1275:16</p>	<p>enthusiastically [1] - 1280:8</p> <p>entire [12] - 1215:20, 1260:17, 1260:19, 1260:21, 1260:23, 1261:8, 1267:6, 1269:18, 1269:20, 1315:13, 1315:14, 1370:5</p> <p>entirely [1] - 1263:11</p> <p>entities [5] - 1253:14, 1271:24, 1272:10, 1273:18, 1323:5</p> <p>entitled [2] - 1234:19, 1234:21</p> <p>entity [6] - 1217:15, 1247:8, 1248:24, 1281:10, 1354:6, 1363:7</p> <p>entries [3] - 1286:14, 1321:12, 1331:6</p> <p>entry [1] - 1223:8</p> <p>escrow [2] - 1304:2, 1304:3</p> <p>especially [2] - 1303:5</p> <p>Esquire [1] - 1289:25</p> <p>essence [2] - 1237:1, 1241:22</p> <p>essentially [2] - 1306:3, 1310:5</p> <p>establish [3] - 1272:1, 1272:2, 1272:22</p> <p>establishes [1] - 1273:17</p> <p>estate [5] - 1264:8, 1283:4, 1283:13, 1291:11, 1293:24</p> <p>estimate [6] - 1309:1, 1334:16, 1334:23, 1335:1, 1368:3, 1369:22</p> <p>et [1] - 1346:19</p> <p>Ethan [1] - 1345:18</p> <p>Ethel [2] - 1342:14, 1354:24</p> <p>euforia [1] - 1291:18</p> <p>Euforia [105] - 1236:15, 1236:24, 1237:23, 1238:12, 1238:15, 1238:19, 1238:22, 1239:19, 1240:12, 1240:13, 1240:16, 1241:3, 1241:4, 1241:7, 1241:12, 1242:16, 1243:5, 1245:8, 1247:10, 1247:18, 1249:4, 1250:1, 1250:20, 1250:24, 1252:16, 1252:18, 1253:13,</p>	<p>1253:22, 1254:1, 1268:21, 1268:23, 1268:24, 1269:9, 1269:10, 1271:11, 1271:14, 1273:21, 1273:22, 1283:7, 1285:8, 1288:4, 1288:13, 1292:9, 1298:19, 1299:22, 1299:25, 1300:4, 1300:12, 1300:15, 1300:18, 1306:8, 1306:19, 1313:4, 1315:19, 1315:24, 1316:12, 1318:13, 1318:16, 1319:15, 1321:7, 1323:2, 1323:4, 1325:22, 1333:4, 1336:18, 1336:21, 1337:16, 1337:18, 1341:10, 1342:23, 1343:4, 1343:9, 1346:19, 1346:20, 1348:4, 1348:9, 1348:10, 1348:13, 1350:18, 1350:24, 1351:3, 1351:11, 1351:22, 1352:5, 1353:13, 1353:24, 1353:25, 1355:22, 1357:3, 1357:12, 1359:5, 1362:3, 1362:17, 1362:21, 1363:4, 1363:7, 1363:11, 1364:18, 1365:21, 1366:8, 1366:12, 1366:13, 1366:18, 1367:11</p> <p>Europe [2] - 1188:8, 1364:3</p> <p>evaluate [1] - 1349:7</p> <p>event [3] - 1185:14, 1251:17, 1364:23</p> <p>events [3] - 1207:2, 1207:3, 1225:21</p> <p>EVIDENCE [2] - 1374:7, 1374:8</p> <p>evidence [34] - 1193:16, 1193:18, 1204:7, 1217:18, 1217:25, 1224:13, 1241:11, 1241:19, 1241:22, 1241:25, 1244:17, 1260:6, 1264:6, 1265:1, 1272:22, 1278:24, 1279:3, 1284:13, 1286:6, 1289:10, 1289:18, 1289:20,</p>	<p>1308:3, 1316:23, 1317:7, 1321:10, 1324:23, 1326:20, 1328:5, 1338:2, 1345:7, 1353:4, 1360:22, 1360:23</p> <p>ex [1] - 1189:21</p> <p>ex-hockey [1] - 1189:21</p> <p>exact [1] - 1364:11</p> <p>exactly [4] - 1213:5, 1237:17, 1320:23, 1350:12</p> <p>examination [7] - 1185:11, 1189:5, 1192:22, 1268:2, 1296:18, 1302:8, 1371:1</p> <p>EXAMINATION [9] - 1186:1, 1203:17, 1276:15, 1281:2, 1286:17, 1296:21, 1373:3, 1373:7, 1373:9</p> <p>examine [1] - 1344:1</p> <p>examined [4] - 1185:22, 1276:9, 1307:12, 1332:23</p> <p>example [1] - 1264:11</p> <p>excellent [1] - 1245:9</p> <p>except [1] - 1368:13</p> <p>excess [1] - 1248:11</p> <p>exchange [4] - 1243:4, 1245:14, 1247:7, 1268:4</p> <p>exciting [1] - 1185:14</p> <p>exclude [1] - 1240:5</p> <p>excluding [1] - 1240:11</p> <p>excruciating [1] - 1183:11</p> <p>exculpatories [1] - 1234:3</p> <p>exculpatory [1] - 1257:4</p> <p>excuse [5] - 1239:22, 1341:14, 1368:22, 1369:9, 1369:11</p> <p>excused [2] - 1305:16, 1368:21</p>
--	--	--	---

<p>1241:2, 1242:9, 1243:3, 1257:7, 1259:22, 1260:1, 1261:6, 1264:8, 1272:8, 1272:24, 1303:23, 1306:17, 1312:5, 1313:16, 1323:13, 1323:19, 1324:7, 1325:17, 1327:17, 1328:15, 1332:23, 1336:20, 1342:3, 1347:17, 1347:25, 1362:10, 1362:19, 1363:8, 1365:18 factual [2] - 1333:12, 1334:12 failure [2] - 1299:8, 1299:9 fair [31] - 1192:7, 1195:25, 1201:6, 1201:14, 1207:17, 1209:1, 1222:9, 1226:1, 1227:24, 1231:18, 1232:6, 1237:4, 1237:15, 1250:11, 1252:8, 1253:2, 1259:16, 1281:5, 1281:10, 1282:21, 1300:11, 1314:6, 1314:9, 1324:1, 1337:10, 1340:25, 1343:13, 1349:5, 1354:6, 1355:2, 1362:2 fairly [1] - 1200:5 faith [1] - 1262:13 fall [1] - 1187:5 false [6] - 1234:3, 1247:11, 1257:4, 1262:5, 1262:24, 1265:17 falsely [2] - 1247:12, 1250:14 family [4] - 1213:3, 1214:3, 1214:5, 1319:24 far [7] - 1199:1, 1199:21, 1223:1, 1231:15, 1234:6, 1239:1, 1295:25 fashion [1] - 1275:25 fast [1] - 1246:21 fault [2] - 1321:20, 1334:25 faulting [1] - 1335:1 favors [1] - 1264:13 FBI [1] - 1189:14 fearful [1] - 1248:19 February [11] -</p>	<p>1268:23, 1278:13, 1279:12, 1306:9, 1324:15, 1325:2, 1325:8, 1325:13, 1325:15, 1325:22 Federal [2] - 1180:16, 1181:7 fee [1] - 1296:4 fees [2] - 1188:24, 1346:17 fell [1] - 1183:3 felt [1] - 1229:19 few [20] - 1189:3, 1211:8, 1211:19, 1217:18, 1217:19, 1228:1, 1228:10, 1228:11, 1238:6, 1247:21, 1250:18, 1253:23, 1254:5, 1255:8, 1267:23, 1290:13, 1296:20, 1298:12, 1315:19, 1335:10 fifth [2] - 1326:22, 1334:20 figure [1] - 1228:21 figured [1] - 1369:10 filed [4] - 1261:8, 1361:3, 1361:13, 1362:20 final [3] - 1221:20, 1346:21, 1347:9 finances [1] - 1295:14 financial [1] - 1273:16 fine [7] - 1184:8, 1194:17, 1255:6, 1270:8, 1280:5, 1296:24, 1310:22 finger [1] - 1265:17 finish [7] - 1188:10, 1206:18, 1249:7, 1249:9, 1336:9, 1349:12, 1367:25 finished [4] - 1228:13, 1228:16, 1249:6, 1314:25 firm [11] - 1276:23, 1277:3, 1277:9, 1282:19, 1283:23, 1286:21, 1287:10, 1287:18, 1287:24, 1288:5, 1289:22 firm's [4] - 1277:7, 1278:9, 1279:7, 1288:16 first [29] - 1187:25, 1194:10, 1195:16, 1199:17, 1220:11, 1225:2, 1236:17, 1236:21, 1247:17,</p>	<p>1260:6, 1276:8, 1281:19, 1282:1, 1296:16, 1305:18, 1317:18, 1320:19, 1321:11, 1322:5, 1322:15, 1324:1, 1324:16, 1332:5, 1341:3, 1344:15, 1353:12, 1363:21, 1366:9, 1368:16 five [14] - 1227:24, 1246:21, 1291:8, 1292:8, 1296:13, 1305:14, 1321:12, 1322:5, 1324:1, 1324:16, 1333:13, 1334:23, 1345:24, 1368:23 flat [1] - 1296:4 flesh [2] - 1234:15, 1234:17 flipped [1] - 1233:17 Florida [6] - 1276:22, 1277:8, 1297:1, 1297:9, 1299:18, 1304:4 focus [1] - 1326:22 focusing [3] - 1312:4, 1324:15 follow [3] - 1223:10, 1261:14, 1354:16 followed [2] - 1369:22, 1369:23 following [13] - 1233:1, 1236:1, 1255:1, 1256:1, 1257:1, 1258:1, 1303:1, 1310:1, 1311:1, 1329:19, 1331:7, 1332:24, 1353:20 follows [3] - 1185:22, 1276:10, 1307:13 footballer [1] - 1197:5 foreclosed [1] - 1293:15 foreclosure [1] - 1293:25 foreseeable [1] - 1290:15 form [11] - 1197:11, 1202:6, 1222:14, 1222:22, 1229:17, 1278:19, 1347:21, 1348:2, 1348:22, 1351:6, 1351:18 formalize [1] - 1352:7 formed [1] - 1292:13 former [1] - 1264:21 forth [1] - 1289:17</p>	<p>forward [2] - 1246:21, 1337:15 forwarded [2] - 1341:17, 1351:10 foundation [2] - 1235:9, 1268:1 four [5] - 1204:13, 1326:1, 1327:2, 1327:11, 1338:13 fourth [1] - 1341:4 frame [8] - 1187:9, 1207:21, 1212:16, 1245:18, 1277:24, 1306:17, 1310:16, 1314:12 frankly [2] - 1290:16, 1370:16 fraud [9] - 1262:7, 1268:24, 1268:25, 1269:2, 1269:10, 1271:11, 1280:7, 1310:7, 1364:1 frauds [2] - 1269:9, 1269:14 fraudulently [1] - 1264:9 free [1] - 1189:11 Friday [1] - 1355:20 friend [10] - 1195:7, 1196:8, 1197:25, 1208:24, 1209:12, 1209:16, 1214:7, 1278:4, 1292:20, 1349:8 friends [3] - 1213:3, 1214:4, 1214:5 from.. [1] - 1207:24 front [1] - 1366:11 fucking [3] - 1312:17, 1312:18, 1312:19 full [2] - 1289:10, 1368:4 Fund [13] - 1226:14, 1226:17, 1226:20, 1233:23, 1261:9, 1261:10, 1262:4, 1262:11, 1262:15, 1262:20, 1263:1, 1265:25, 1285:4 fund [6] - 1187:21, 1204:24, 1205:4, 1209:21, 1210:1, 1271:22 funded [2] - 1226:20, 1261:8 funding [55] - 1186:11, 1186:15, 1186:18, 1187:10, 1187:12, 1187:13, 1187:18, 1187:19,</p>	<p>1188:2, 1188:16, 1188:20, 1188:24, 1192:1, 1192:5, 1192:8, 1192:15, 1193:7, 1194:24, 1195:2, 1195:8, 1195:9, 1195:13, 1195:23, 1196:13, 1196:17, 1197:2, 1197:9, 1197:19, 1197:22, 1199:24, 1200:15, 1200:17, 1200:21, 1200:23, 1201:3, 1201:24, 1202:4, 1202:8, 1203:20, 1204:18, 1205:14, 1205:18, 1206:3, 1206:17, 1206:19, 1207:23, 1207:24, 1208:4, 1208:7, 1208:17, 1208:23, 1209:16, 1210:17, 1237:3, 1237:20 funds [26] - 1187:5, 1209:21, 1210:2, 1210:10, 1214:7, 1219:21, 1240:1, 1240:4, 1247:8, 1247:10, 1247:24, 1249:23, 1264:7, 1264:10, 1272:2, 1303:17, 1319:19, 1319:23, 1319:24, 1322:16, 1337:16, 1337:18, 1338:8, 1358:15 future [7] - 1190:19, 1190:23, 1282:6, 1282:14, 1290:15, 1349:23, 1350:7</p>
G				
<p>G-O-N-Y-A [1] - 1276:12 galioto [2] - 1212:17, 1213:7 Galioto [3] - 1189:16, 1194:5, 1212:14 Garner [3] - 1195:4, 1195:6, 1197:18 Garner's [1] - 1195:16 garnish [1] - 1298:15 garnished [1] - 1298:13 garnishment [3] - 1298:16, 1298:22, 1299:9 Gaudet [9] - 1191:5,</p>				

1191:10, 1191:17, 1192:1, 1193:2, 1193:6, 1194:6, 1194:23, 1195:1 GAUDET [1] - 1191:6 general [3] - 1300:13, 1360:10 generating [1] - 1271:14 gentleman [2] - 1189:17, 1233:17 Gentry [8] - 1351:5, 1351:22, 1351:25, 1352:1, 1352:4, 1352:9, 1352:14, 1354:21 given [5] - 1210:15, 1215:21, 1216:13, 1217:1, 1301:6 Global [13] - 1226:14, 1226:16, 1226:19, 1233:23, 1261:9, 1261:10, 1262:4, 1262:11, 1262:14, 1262:19, 1263:1, 1265:25, 1285:3 global [1] - 1272:15 gmail [1] - 1310:6 golf [9] - 1191:10, 1191:14, 1191:16, 1191:19, 1191:22, 1191:23, 1194:6 Gonchar [1] - 1334:4 Gonya [10] - 1276:3, 1276:12, 1276:24, 1281:4, 1289:25, 1295:15, 1295:22, 1296:12, 1301:1, 1305:10 gonya [1] - 1276:13 GOVERNMENT [2] - 1374:2, 1374:3 Government [8] - 1180:15, 1278:5, 1278:23, 1279:3, 1283:17, 1286:6, 1338:3, 1339:23 government [40] - 1215:8, 1233:3, 1241:20, 1258:14, 1260:24, 1261:3, 1262:2, 1262:17, 1262:19, 1262:22, 1264:4, 1265:21, 1265:24, 1267:7, 1267:17, 1267:25, 1268:15, 1270:15, 1270:18, 1271:23, 1272:21, 1273:10, 1274:16, 1276:2,	1278:23, 1284:12, 1289:9, 1305:20, 1306:11, 1316:19, 1320:4, 1336:6, 1369:3, 1370:14, 1370:15, 1370:16, 1370:24, 1371:13, 1371:16, 1371:25 Government's [8] - 1217:20, 1224:13, 1288:22, 1289:19, 1324:21, 1324:24, 1325:20, 1329:3 government's [8] - 1264:5, 1265:15, 1266:3, 1271:19, 1272:5, 1273:13, 1324:19, 1334:16 GOVERNMENT'S [1] - 1374:4 grdina [1] - 1208:24 Grdina [2] - 1209:1, 1369:24 great [3] - 1203:4, 1237:5, 1335:24 greater [1] - 1370:17 Greenberg [1] - 1276:25 Greg [1] - 1366:19 groceries [1] - 1295:8 grounds [4] - 1244:14, 1244:16, 1244:17, 1244:18 Group [25] - 1242:11, 1247:9, 1251:15, 1292:25, 1294:14, 1295:2, 1295:13, 1317:13, 1322:3, 1322:8, 1322:17, 1322:21, 1323:18, 1325:1, 1325:18, 1326:7, 1327:18, 1328:7, 1328:12, 1329:11, 1329:23, 1331:10, 1331:18, 1332:13, 1332:20 group [4] - 1362:20, 1363:9, 1363:20, 1364:15 Group's [1] - 1294:21 GSF [2] - 1268:18, 1270:22 guess [6] - 1187:9, 1199:9, 1261:14, 1268:1, 1361:6, 1362:8 guy [3] - 1292:20, 1312:17, 1312:19 guys [3] - 1313:1, 1313:3	H Haley [11] - 1182:1, 1189:5, 1193:20, 1267:22, 1286:2, 1305:20, 1305:24, 1326:12, 1335:18, 1345:2, 1352:24 HALEY [34] - 1180:21, 1180:23, 1181:25, 1193:12, 1193:17, 1256:19, 1257:10, 1257:12, 1267:23, 1268:6, 1269:24, 1270:2, 1270:12, 1270:17, 1279:1, 1286:3, 1289:16, 1296:19, 1316:21, 1316:25, 1317:4, 1326:13, 1326:16, 1326:18, 1335:20, 1335:23, 1336:7, 1345:3, 1353:1, 1360:20, 1369:5, 1370:13, 1371:11, 1371:19 half [1] - 1334:9 Hall [1] - 1277:1 hand [6] - 1224:15, 1258:14, 1276:4, 1283:17, 1288:21, 1340:14 Handing [4] - 1283:19, 1288:23, 1343:25, 1360:9 handing [3] - 1205:10, 1287:3, 1352:16 handwriting [7] - 1251:24, 1252:3, 1252:4, 1317:9, 1317:20, 1340:11, 1370:1 handwritten [4] - 1242:3, 1251:7, 1330:1 hangar [1] - 1339:13 hard [1] - 1235:6 Hawaii [8] - 1189:22, 1194:7, 1209:21, 1210:2, 1210:17, 1221:7, 1222:23, 1283:4 Hawaiian [53] - 1186:6, 1186:11, 1186:18, 1186:23, 1187:7, 1188:2, 1188:12, 1188:17, 1188:21, 1188:24, 1190:3, 1191:3, 1192:2, 1192:5,	1192:9, 1192:15, 1193:3, 1193:7, 1194:24, 1195:8, 1195:10, 1195:14, 1195:23, 1196:14, 1196:17, 1197:2, 1197:4, 1197:19, 1198:2, 1198:6, 1198:10, 1198:20, 1198:23, 1199:8, 1199:15, 1200:5, 1201:10, 1201:14, 1201:20, 1201:24, 1202:4, 1203:20, 1204:2, 1204:14, 1206:20, 1207:20, 1208:19, 1210:9, 1220:23, 1221:3, 1221:9, 1223:5, 1233:23 head [3] - 1286:25, 1287:14, 1342:4 health [1] - 1183:7 hear [5] - 1234:13, 1249:13, 1267:15, 1371:23 heard [14] - 1188:18, 1197:22, 1200:17, 1204:21, 1204:23, 1226:14, 1237:6, 1237:8, 1248:4, 1266:13, 1271:17, 1289:5, 1371:21 hearing [2] - 1248:20, 1298:8 hearsay [14] - 1227:5, 1227:7, 1233:2, 1256:17, 1257:8, 1267:25, 1268:7, 1268:8, 1268:12, 1305:21, 1306:22, 1310:7, 1352:23, 1360:19 held [2] - 1215:20, 1294:22 hell [1] - 1348:19 help [7] - 1186:18, 1194:22, 1267:15, 1283:10, 1290:5, 1340:1, 1340:2 helped [1] - 1206:20 helpful [1] - 1371:5 helps [1] - 1285:9 Hermosa [4] - 1239:9, 1239:10, 1319:18, 1323:24 hesitate [1] - 1198:18 high [2] - 1200:9, 1274:5 higher [2] - 1200:9,	1357:16 highlight [1] - 1337:20 highlighted [3] - 1328:20, 1331:16, 1355:15 Highway [1] - 1180:22 himself [4] - 1268:2, 1268:5, 1271:8, 1358:21 hired [3] - 1188:2, 1194:23, 1196:13 hockey [26] - 1188:8, 1188:13, 1189:21, 1224:6, 1225:12, 1225:17, 1226:6, 1227:17, 1228:7, 1229:1, 1229:5, 1229:8, 1272:17, 1282:25, 1301:4, 1315:16, 1318:20, 1332:6, 1337:6, 1345:16, 1361:17, 1365:24, 1366:2, 1366:22, 1366:24, 1367:6 hold [3] - 1345:2, 1353:25, 1354:7 holding [1] - 1354:9 Holding [2] - 1214:20, 1215:4 holds [2] - 1293:10, 1293:14 Honor [76] - 1181:19, 1181:22, 1181:25, 1182:3, 1182:6, 1184:12, 1185:24, 1193:12, 1203:2, 1203:6, 1205:8, 1217:14, 1225:7, 1236:7, 1249:12, 1254:3, 1254:4, 1256:15, 1256:19, 1256:23, 1257:12, 1258:15, 1258:16, 1260:16, 1261:13, 1261:24, 1267:5, 1267:23, 1268:19, 1268:22, 1269:4, 1269:11, 1270:8, 1270:20, 1271:2, 1271:6, 1274:21, 1275:7, 1275:12, 1277:22, 1278:25, 1279:19, 1285:15, 1286:16, 1288:12, 1289:14, 1296:19, 1301:5, 1304:19, 1305:9, 1308:15, 1309:6, 1310:2, 1316:17, 1317:3,
--	---	--	--	--

<p>1324:19, 1326:4, 1326:6, 1326:11, 1333:13, 1333:19, 1336:3, 1336:15, 1344:22, 1345:3, 1352:21, 1353:6, 1353:10, 1365:13, 1367:23, 1367:24, 1368:20, 1369:4, 1369:16, 1370:10, 1371:11 HONORABLE [1] - 1180:12 hook [1] - 1189:9 hope [4] - 1308:24, 1309:2, 1367:24, 1371:20 hopefully [6] - 1184:8, 1189:2, 1218:25, 1259:14, 1326:2, 1336:5 hoping [6] - 1216:24, 1216:25, 1265:1, 1273:8, 1308:23, 1355:19 Hormovitis [1] - 1180:8 hour [2] - 1296:4, 1296:5 hourly [1] - 1296:2 hours [3] - 1227:24, 1227:25, 1228:1 house [6] - 1192:21, 1215:19, 1290:12, 1290:19, 1290:20, 1290:25 Hughes [13] - 1240:4, 1240:7, 1242:16, 1318:21, 1338:23, 1339:6, 1339:18, 1342:7, 1342:10, 1350:22, 1352:11, 1357:21, 1361:17 hundred [2] - 1331:9, 1332:11 husband [1] - 1332:5</p>	<p>1360:5, 1360:7 identified [8] - 1197:14, 1204:8, 1268:4, 1268:5, 1284:6, 1288:2, 1322:11, 1340:4 identify [3] - 1204:6, 1277:18, 1307:21 immediate [1] - 1346:16 impeach [3] - 1259:1, 1260:4, 1260:6 impeachment [3] - 1244:16, 1244:19, 1260:20 important [3] - 1190:15, 1190:19, 1275:24 impression [2] - 1272:20, 1365:20 improper [1] - 1364:24 improprieties [1] - 1272:22 improve [1] - 1355:24 IN [2] - 1374:7, 1374:8 in.. [1] - 1206:24 inadmissible [1] - 1267:25 Inc [1] - 1291:23 inclination [1] - 1368:22 included [1] - 1204:2 including [2] - 1262:11, 1343:17 incorrect [1] - 1365:22 incurred [1] - 1298:7 indicate [1] - 1340:17 indicated [2] - 1264:6, 1274:6 indicating [3] - 1243:3, 1340:25, 1341:4 indicating) [1] - 1277:20 indication [1] - 1371:3 indictment [6] - 1264:20, 1264:22, 1269:5, 1269:6, 1269:20, 1306:7 individual [9] - 1191:5, 1197:1, 1277:13, 1282:7, 1282:13, 1283:10, 1304:8, 1351:5, 1366:14 individually [1] - 1366:4 individuals [18] - 1186:18, 1188:2, 1191:2, 1194:23,</p>	<p>1197:14, 1197:15, 1197:23, 1214:25, 1271:22, 1271:25, 1273:18, 1274:9, 1304:9, 1339:5, 1358:25, 1361:15, 1366:9, 1367:13 induce [1] - 1262:6 inflammatory [1] - 1274:10 information [33] - 1189:14, 1190:16, 1190:18, 1196:25, 1200:22, 1201:2, 1201:19, 1203:23, 1210:6, 1213:9, 1230:12, 1242:21, 1246:5, 1252:5, 1262:15, 1262:21, 1279:15, 1283:24, 1283:25, 1284:3, 1284:5, 1284:7, 1303:13, 1303:14, 1303:20, 1316:2, 1316:11, 1319:7, 1319:8, 1333:2, 1334:12, 1344:9, 1349:6 initial [5] - 1210:10, 1248:19, 1249:16, 1318:12, 1322:20 initials [1] - 1340:22 input [1] - 1365:1 inputted [1] - 1284:5 insist [1] - 1253:22 insofar [1] - 1310:2 instance [2] - 1264:14, 1269:2 instructed [4] - 1210:18, 1280:6, 1337:17, 1351:14 instructions [1] - 1340:5 insurance [2] - 1183:7, 1197:5 insure [1] - 1229:13 intend [2] - 1265:4, 1308:7 intended [1] - 1261:1 intent [3] - 1261:6, 1266:6, 1273:22 intention [1] - 1261:10 interest [19] - 1231:13, 1231:16, 1243:5, 1245:15, 1247:7, 1252:18, 1253:4, 1253:22, 1254:1, 1282:16, 1300:12, 1306:19, 1350:18, 1353:18, 1364:17,</p>	<p>1365:21, 1366:25, 1367:7, 1367:11 interested [1] - 1363:13 interrupt [1] - 1188:9 interview [5] - 1189:20, 1190:12, 1190:22, 1193:2, 1213:1 interviewed [3] - 1190:10, 1212:13, 1212:15 introduce [3] - 1259:18, 1260:12, 1305:25 introduced [6] - 1193:13, 1193:16, 1195:7, 1217:19, 1225:13, 1260:9 introducing [1] - 1308:3 invest [9] - 1198:9, 1237:23, 1237:25, 1238:5, 1240:11, 1336:21, 1341:23, 1342:7, 1342:15 invested [33] - 1198:11, 1198:15, 1198:22, 1199:4, 1210:9, 1213:18, 1222:18, 1222:23, 1222:24, 1223:2, 1223:5, 1225:25, 1238:15, 1238:22, 1238:23, 1240:13, 1240:16, 1240:24, 1241:3, 1241:4, 1243:3, 1243:9, 1245:13, 1247:6, 1321:7, 1324:8, 1327:21, 1332:8, 1350:20, 1351:16, 1357:11, 1358:25, 1365:20 investigate [1] - 1323:17 investigation [3] - 1323:12, 1325:16, 1327:16 investing [4] - 1238:18, 1239:4, 1343:3, 1343:9 investment [40] - 1186:6, 1198:19, 1199:1, 1215:18, 1217:5, 1221:3, 1221:6, 1221:9, 1222:11, 1222:25, 1223:4, 1233:23, 1238:11, 1240:8,</p>	<p>1244:4, 1246:9, 1248:19, 1250:24, 1274:1, 1306:4, 1325:5, 1329:4, 1341:21, 1343:1, 1344:15, 1346:2, 1346:6, 1346:8, 1346:12, 1347:1, 1347:18, 1347:23, 1348:4, 1351:3, 1352:7, 1353:24, 1353:25, 1355:3, 1359:8, 1366:13 investments [38] - 1220:23, 1222:10, 1222:19, 1238:8, 1239:19, 1241:12, 1248:4, 1248:14, 1248:23, 1249:17, 1249:20, 1249:25, 1252:2, 1252:9, 1315:19, 1316:12, 1319:14, 1319:19, 1320:9, 1322:20, 1326:23, 1327:2, 1327:11, 1329:18, 1333:8, 1336:18, 1338:22, 1339:17, 1347:2, 1347:5, 1347:18, 1349:7, 1351:22, 1352:15, 1355:24, 1357:2, 1362:3, 1362:17 investor [6] - 1225:9, 1358:3, 1358:5, 1358:12, 1358:18, 1358:22 Investors [2] - 1204:19, 1205:19 investors [9] - 1189:22, 1215:20, 1217:2, 1224:8, 1263:16, 1264:23, 1271:12, 1273:24, 1358:11 invoices [2] - 1288:16, 1343:21 involve [2] - 1197:2, 1281:5 involved [21] - 1186:23, 1199:10, 1199:11, 1199:17, 1200:14, 1204:18, 1226:25, 1227:6, 1230:20, 1231:7, 1239:8, 1240:6, 1262:11, 1263:8, 1281:15, 1292:20, 1300:18, 1301:3, 1301:4, 1318:18,</p>
I				
<p>ID [1] - 1354:21 idea [6] - 1188:14, 1224:3, 1224:12, 1225:1, 1231:13, 1303:22 identification [12] - 1189:4, 1193:11, 1193:17, 1193:19, 1256:4, 1277:21, 1308:21, 1320:13, 1343:24, 1352:13,</p>				

U.S.A. v. KENNER and CONSTANTINE

13

1363:19 involvement [1] - 1190:2 involves [1] - 1301:6 involving [3] - 1281:15, 1282:23, 1301:4 IOLA [2] - 1304:5, 1304:15 ironically [1] - 1262:25 irrelevant [1] - 1263:11 island [1] - 1204:10 Islandia [1] - 1180:23 Islip [3] - 1180:5, 1180:17, 1181:8 issue [8] - 1182:9, 1233:24, 1233:25, 1234:15, 1235:4, 1261:1, 1274:3, 1301:7 issued [1] - 1299:4 issues [4] - 1273:15, 1273:16, 1285:9, 1335:3 issuing [1] - 1343:22 item [1] - 1220:11 Items [3] - 1218:16, 1218:24, 1220:11 items [1] - 1219:3 itself [3] - 1187:22, 1260:9, 1274:9	1229:14, 1229:23, 1230:4, 1230:9, 1230:13, 1230:15, 1230:19, 1230:22, 1231:7, 1231:19, 1231:25, 1232:4, 1232:9, 1232:15, 1233:8, 1233:14, 1233:16, 1234:8, 1236:12, 1259:1, 1259:7, 1259:9, 1259:12, 1259:24, 1260:1, 1260:2, 1261:7, 1261:20, 1262:6, 1262:10, 1262:14, 1263:2, 1263:8, 1263:20, 1263:21, 1263:23, 1264:1, 1264:8, 1264:21, 1264:22, 1265:4, 1265:8, 1265:17, 1265:21, 1266:1, 1266:21, 1283:10, 1310:9, 1311:16, 1312:10, 1313:6, 1313:15, 1313:20, 1314:14, 1314:16, 1314:17, 1314:20, 1314:25, 1315:3, 1337:7 Jowdy's [1] - 1315:12 Judge [31] - 1180:12, 1184:6, 1193:18, 1197:12, 1206:18, 1211:15, 1212:6, 1235:1, 1255:3, 1255:9, 1257:10, 1257:14, 1259:4, 1262:1, 1264:18, 1265:2, 1265:13, 1265:24, 1269:22, 1269:24, 1272:19, 1302:13, 1335:15, 1335:17, 1335:23, 1339:25, 1340:2, 1345:4, 1351:8, 1358:2, 1358:4 judge [23] - 1228:10, 1228:12, 1228:13, 1228:16, 1229:1, 1229:11, 1263:2, 1265:10, 1268:3, 1269:25, 1272:12, 1273:4, 1297:22, 1308:23, 1309:4, 1316:21, 1316:25, 1325:11, 1326:13, 1326:18, 1335:10, 1335:20, 1370:13 July [1] - 1268:23	jumping [2] - 1239:25, 1240:3 June [3] - 1268:25, 1278:1, 1306:5 Juneau [1] - 1367:8 juror [2] - 1353:6, 1371:8 Juror [3] - 1368:14, 1368:22, 1369:7 JUROR [2] - 1353:8, 1369:16 JURORS [1] - 1185:9 jurors [3] - 1259:6, 1368:25, 1369:13 jury [39] - 1180:13, 1185:2, 1185:6, 1185:8, 1203:7, 1203:10, 1233:18, 1234:13, 1236:2, 1246:7, 1248:3, 1257:6, 1258:6, 1259:10, 1261:3, 1262:8, 1265:7, 1272:20, 1275:11, 1275:13, 1275:16, 1275:19, 1279:5, 1286:10, 1305:13, 1305:16, 1307:4, 1309:5, 1311:2, 1311:4, 1333:17, 1334:13, 1334:17, 1336:2, 1336:12, 1339:23, 1368:13, 1368:15, 1370:25	1247:16, 1247:22, 1249:7, 1249:24, 1250:13, 1250:18, 1256:3, 1258:9, 1258:21, 1259:22, 1261:12, 1261:20, 1262:12, 1262:25, 1266:3, 1266:4, 1266:8, 1266:12, 1267:7, 1267:18, 1268:4, 1269:9, 1275:8, 1305:14, 1307:7, 1307:15, 1310:9, 1310:12, 1310:13, 1310:16, 1311:9, 1311:24, 1314:2, 1314:11, 1315:8, 1315:18, 1315:21, 1317:21, 1318:24, 1320:15, 1321:20, 1322:12, 1323:11, 1324:23, 1325:14, 1327:1, 1327:24, 1332:16, 1333:21, 1336:9, 1336:17, 1342:14, 1342:21, 1343:9, 1345:1, 1347:22, 1348:3, 1348:11, 1349:12, 1350:17, 1351:2, 1353:11, 1357:10, 1358:3, 1359:18, 1363:18, 1364:14, 1365:14, 1367:18, 1368:18, 1370:8 Kaiser's [2] - 1185:11, 1275:23 Kathy [1] - 1332:5 Kau [2] - 1214:20, 1215:4 keep [3] - 1276:13, 1310:20, 1371:9 Keith [1] - 1214:6 kELLY [1] - 1180:15 Ken [7] - 1259:1, 1259:12, 1266:21, 1283:10, 1311:15, 1311:16, 1313:6 KENNER [1] - 1180:6 Kenner [119] - 1180:6, 1180:21, 1181:16, 1182:1, 1186:16, 1186:17, 1187:13, 1187:25, 1188:3, 1191:10, 1192:20, 1193:13, 1196:9, 1198:24, 1200:20, 1201:3, 1203:23, 1203:24, 1210:15,	1210:18, 1211:6, 1212:18, 1213:2, 1213:10, 1213:17, 1214:14, 1214:17, 1214:22, 1215:16, 1215:21, 1216:13, 1216:25, 1219:11, 1219:13, 1220:24, 1225:13, 1227:18, 1229:1, 1229:4, 1230:8, 1234:3, 1234:5, 1234:14, 1234:24, 1236:13, 1237:8, 1238:11, 1238:13, 1239:1, 1239:4, 1239:8, 1239:20, 1239:21, 1240:17, 1240:24, 1241:3, 1241:11, 1242:1, 1242:3, 1242:13, 1243:6, 1243:9, 1243:25, 1244:22, 1246:8, 1246:22, 1246:23, 1247:2, 1247:14, 1247:18, 1247:25, 1248:8, 1248:15, 1249:1, 1249:23, 1250:1, 1250:4, 1251:20, 1252:5, 1252:13, 1252:22, 1255:4, 1262:3, 1262:12, 1264:7, 1264:9, 1264:14, 1264:18, 1265:16, 1269:17, 1292:19, 1306:3, 1306:22, 1307:3, 1313:21, 1314:8, 1314:21, 1315:24, 1316:2, 1316:15, 1316:22, 1317:4, 1317:13, 1319:10, 1319:19, 1322:2, 1322:6, 1323:15, 1327:21, 1327:23, 1329:12, 1331:11, 1331:20, 1333:3, 1333:5, 1345:21, 1353:21, 1354:8, 1357:11 Kenner's [5] - 1204:7, 1240:14, 1245:24, 1316:5, 1323:25 kept [1] - 1284:10 kind [7] - 1201:13, 1261:24, 1272:7, 1283:24, 1321:21, 1346:3, 1364:1 kinds [1] - 1302:11 knowing [2] - 1235:5,
J		K		
JAMES [1] - 1180:17 James [7] - 1181:20, 1196:5, 1196:12, 1214:8, 1214:10, 1214:18 January [1] - 1256:13 JFB [1] - 1180:3 JK-1 [5] - 1189:4, 1193:11, 1209:5, 1209:20, 1339:23 JK-3 [2] - 1212:4, 1212:10 job [1] - 1273:10 John [4] - 1185:4, 1269:2, 1353:15, 1370:1 JOHN [2] - 1307:10, 1373:13 Johnny [1] - 1345:9 Jordan [1] - 1296:9 JOSEPH [1] - 1180:12 Jowdy [66] - 1226:21, 1227:1, 1227:3, 1227:12, 1229:3,		K-1 [2] - 1355:9, 1355:11 K1's [1] - 1355:7 KAISER [2] - 1307:10, 1373:13 Kaiser [108] - 1185:2, 1185:4, 1185:17, 1186:3, 1186:5, 1187:10, 1190:1, 1190:5, 1191:25, 1192:23, 1193:21, 1194:13, 1202:7, 1203:8, 1203:9, 1203:19, 1210:5, 1211:16, 1212:3, 1212:10, 1212:13, 1212:25, 1217:22, 1218:7, 1219:1, 1220:15, 1226:25, 1229:19, 1229:20, 1231:23, 1234:4, 1236:10, 1244:22, 1245:20, 1246:7,		

<p>1308:25 knowledge [8] - 1186:17, 1198:19, 1216:5, 1298:4, 1303:18, 1334:1, 1342:9, 1361:11 known [3] - 1205:13, 1259:24, 1348:17 knows [2] - 1231:4, 1298:25 Komatireddy [1] - 1181:23 KOMATIREDDY [36] - 1180:18, 1181:22, 1268:18, 1268:22, 1269:7, 1270:8, 1270:20, 1271:2, 1271:6, 1275:6, 1276:2, 1276:16, 1278:23, 1279:4, 1279:21, 1280:6, 1280:9, 1281:3, 1284:12, 1285:7, 1285:15, 1286:16, 1286:18, 1288:21, 1289:9, 1296:17, 1298:23, 1300:1, 1300:5, 1300:19, 1301:5, 1302:3, 1302:7, 1304:25, 1305:9, 1373:8</p>	<p>large [3] - 1222:6, 1359:5, 1359:19 larger [1] - 1307:16 laRUSSO [4] - 1181:1, 1203:2, 1300:8, 1365:13 LARUSSO [60] - 1224:1, 1225:7, 1225:8, 1226:24, 1227:8, 1227:10, 1229:18, 1231:1, 1233:8, 1233:13, 1234:11, 1234:25, 1235:4, 1235:11, 1236:7, 1236:8, 1241:16, 1244:18, 1244:21, 1247:1, 1248:7, 1249:12, 1249:14, 1250:10, 1254:3, 1255:2, 1255:8, 1256:2, 1256:15, 1257:14, 1303:2, 1304:18, 1304:21, 1305:4, 1305:8, 1308:7, 1308:16, 1308:19, 1308:23, 1309:4, 1310:17, 1311:6, 1311:8, 1314:5, 1316:17, 1317:3, 1317:8, 1323:10, 1324:19, 1324:22, 1325:11, 1326:4, 1326:6, 1326:21, 1328:3, 1373:4, 1373:10, 1373:14 LaRusso [53] - 1181:3, 1182:3, 1182:4, 1182:8, 1183:2, 1184:5, 1184:12, 1185:12, 1185:24, 1186:2, 1197:12, 1203:3, 1203:16, 1203:18, 1205:8, 1206:18, 1211:15, 1212:6, 1216:15, 1217:13, 1236:3, 1236:6, 1275:23, 1277:21, 1278:25, 1279:19, 1279:22, 1280:2, 1284:14, 1285:2, 1285:12, 1289:14, 1296:20, 1296:22, 1301:7, 1302:2, 1302:9, 1305:19, 1305:22, 1308:1, 1308:2, 1311:5, 1358:2, 1358:4,</p>	<p>1358:21, 1360:17, 1364:24, 1367:21, 1367:22, 1369:4, 1370:7, 1370:10, 1370:22 last [12] - 1183:3, 1214:9, 1228:22, 1236:9, 1271:18, 1278:14, 1291:8, 1292:8, 1350:1, 1357:23, 1370:8, 1370:23 lasted [2] - 1227:21, 1227:23 lastly [6] - 1264:18, 1269:1, 1287:23, 1288:5, 1312:25, 1355:5 late [1] - 1370:1 latest [1] - 1306:14 Law [5] - 1270:21, 1287:9, 1287:16, 1287:22 lawsuit [17] - 1228:22, 1231:5, 1263:23, 1264:1, 1279:18, 1281:4, 1281:9, 1281:20, 1297:1, 1300:17, 1303:13, 1361:3, 1361:9, 1361:12, 1361:13, 1362:2, 1362:20 lawsuits [8] - 1226:20, 1226:25, 1227:3, 1227:12, 1230:3, 1230:22, 1301:2, 1302:6 lawyer [5] - 1261:4, 1299:22, 1300:15, 1303:4, 1371:7 lawyers [2] - 1368:7, 1368:16 lay [1] - 1227:8 lead [3] - 1235:2, 1280:4, 1280:8 leading [1] - 1252:20 learn [9] - 1188:19, 1192:4, 1192:14, 1195:1, 1195:13, 1196:16, 1226:10, 1364:4, 1365:21 learned [4] - 1192:6, 1192:7, 1202:7, 1364:5 leases [1] - 1363:25 least [6] - 1222:9, 1329:4, 1329:19, 1347:1, 1367:6, 1369:1 leaves [3] - 1267:20,</p>	<p>1333:22, 1368:13 leaving [1] - 1259:6 lecture [1] - 1367:21 ledger [5] - 1283:23, 1287:10, 1287:17, 1287:23, 1288:5 left [7] - 1209:6, 1212:4, 1224:15, 1236:4, 1314:16, 1314:17, 1340:14 left-hand [2] - 1224:15, 1340:14 legal [11] - 1230:3, 1282:21, 1283:3, 1283:6, 1283:9, 1283:12, 1295:16, 1298:7, 1298:10, 1298:23, 1301:7 Lehman [26] - 1186:7, 1187:25, 1195:12, 1199:9, 1199:13, 1199:18, 1204:17, 1206:2, 1206:13, 1206:19, 1207:11, 1210:6, 1210:8, 1215:24, 1216:2, 1216:9, 1216:19, 1216:22, 1217:8, 1218:2, 1218:12, 1218:21, 1219:22, 1221:23, 1222:18, 1225:16 lender [3] - 1348:16, 1363:15, 1365:1 lender. [1] - 1202:1 lenders [1] - 1199:21 length [1] - 1334:7 letter [11] - 1264:5, 1271:19, 1273:11, 1273:13, 1278:9, 1278:13, 1279:14, 1282:17, 1286:23, 1320:21, 1321:1 license [1] - 1350:2 licensees [2] - 1359:20, 1360:15 licensing [5] - 1237:15, 1359:4, 1359:12, 1359:15, 1361:1 life [1] - 1207:1 likewise [3] - 1192:1, 1195:13, 1351:10 limited [3] - 1234:10, 1308:2, 1310:14 limiting [1] - 1335:13 line [18] - 1224:11, 1224:18, 1253:11, 1282:1, 1291:7, 1292:16, 1292:23,</p>	<p>1293:12, 1293:13, 1293:16, 1294:3, 1295:5, 1295:19, 1360:11, 1369:18, 1370:11 line-up [1] - 1370:11 lined [1] - 1355:20 lines [1] - 1226:5 list [3] - 1242:1, 1242:3 listed [2] - 1348:5, 1362:6 listen [6] - 1267:7, 1267:8, 1267:11, 1311:9, 1312:8, 1368:9 listened [2] - 1308:8, 1312:7 listening [3] - 1267:10, 1311:12, 1311:22 listens [1] - 1371:8 literally [2] - 1290:22, 1290:23 litigation [2] - 1277:12, 1279:9 live [1] - 1290:10 lives [2] - 1189:21, 1196:8 living [1] - 1276:19 LLC [18] - 1278:11, 1279:8, 1281:21, 1282:3, 1282:9, 1282:15, 1284:1, 1288:4, 1288:13, 1291:23, 1291:24, 1292:9, 1292:25, 1353:21, 1353:25, 1354:20, 1355:10 LLC's [1] - 1282:6 LLCs [1] - 1292:13 LLP [2] - 1180:21, 1181:1 loan [58] - 1186:7, 1188:1, 1195:12, 1199:9, 1199:13, 1199:18, 1199:24, 1204:17, 1206:2, 1206:13, 1206:20, 1208:4, 1211:1, 1211:17, 1212:11, 1212:17, 1212:19, 1213:5, 1215:14, 1215:16, 1215:17, 1218:21, 1223:10, 1223:12, 1224:18, 1224:21, 1343:14, 1343:15, 1343:17, 1346:18, 1346:21, 1347:8, 1347:10,</p>
L				
<p>LA [42] - 1258:12, 1259:3, 1259:14, 1259:21, 1260:11, 1260:23, 1261:24, 1264:4, 1265:10, 1265:13, 1265:23, 1267:5, 1267:13, 1268:3, 1268:9, 1268:13, 1269:4, 1269:11, 1269:25, 1270:5, 1272:12, 1273:4, 1274:19, 1274:21, 1331:1, 1333:13, 1333:19, 1335:10, 1335:15, 1335:17, 1336:3, 1336:15, 1336:16, 1339:24, 1340:2, 1344:22, 1348:23, 1349:4, 1351:8, 1352:21, 1353:5, 1353:10 lacked [1] - 1272:2 laid [1] - 1268:1 land [1] - 1186:12 language [1] - 1371:2</p>				

<p>1347:17, 1347:24, 1348:11, 1348:12, 1348:14, 1348:25, 1349:13, 1349:17, 1350:14, 1362:21, 1362:25, 1363:3, 1363:4, 1363:5, 1363:9, 1363:15, 1363:20, 1363:23, 1364:21, 1364:25, 1365:5, 1365:8, 1365:10 Loan [1] - 1223:8 located [1] - 1277:7 location [1] - 1204:2 locations [1] - 1204:8 logically [1] - 1205:2 long-winded [1] - 1335:5 look [42] - 1189:6, 1193:10, 1193:21, 1193:25, 1205:7, 1209:6, 1209:24, 1212:3, 1212:10, 1217:24, 1233:19, 1243:12, 1243:15, 1244:6, 1244:9, 1248:17, 1253:9, 1256:5, 1260:24, 1270:3, 1273:6, 1274:19, 1283:18, 1287:20, 1316:5, 1320:12, 1320:15, 1321:25, 1324:4, 1324:25, 1325:19, 1326:14, 1327:1, 1328:8, 1331:9, 1335:11, 1335:18, 1352:18, 1360:7, 1370:23, 1370:24, 1371:2 looked [2] - 1209:19, 1333:1 looking [22] - 1186:11, 1186:14, 1187:9, 1189:8, 1190:25, 1194:14, 1204:24, 1205:16, 1209:5, 1251:25, 1287:4, 1287:10, 1287:23, 1308:25, 1321:21, 1325:20, 1332:7, 1364:19, 1367:7, 1367:11, 1367:22 looks [3] - 1189:8, 1219:6, 1320:19 lose [3] - 1248:19, 1368:24, 1369:10 loss [1] - 1272:7 losses [2] - 1264:20,</p>	<p>1266:1 lost [2] - 1334:8, 1371:8 Ltd [1] - 1247:9 Lucas [1] - 1223:2 luggage [1] - 1183:3 lunch [13] - 1185:16, 1235:13, 1236:5, 1257:13, 1258:3, 1258:5, 1258:9, 1258:21, 1266:9, 1267:19, 1270:4, 1270:6, 1308:25 luncheon [1] - 1274:22 lying [3] - 1233:9, 1246:12, 1247:16</p> <p style="text-align: center;">M</p> <p>mail [38] - 1201:12, 1201:13, 1201:15, 1205:15, 1253:25, 1255:3, 1256:7, 1256:10, 1267:22, 1268:4, 1268:8, 1278:20, 1305:18, 1305:24, 1306:2, 1306:15, 1307:4, 1344:4, 1344:11, 1345:8, 1347:7, 1347:8, 1347:12, 1347:13, 1348:3, 1348:7, 1348:24, 1349:5, 1349:12, 1349:15, 1349:20, 1351:4, 1351:21, 1351:23, 1351:25, 1353:11, 1354:24, 1356:2 mails [6] - 1268:20, 1344:8, 1351:24, 1352:13, 1360:11, 1360:14 major [1] - 1265:10 man [6] - 1188:5, 1195:4, 1196:5, 1201:16, 1366:19 man-to-man [1] - 1201:16 Management [30] - 1242:11, 1247:9, 1251:15, 1292:25, 1293:21, 1294:14, 1294:21, 1295:2, 1295:13, 1317:13, 1322:3, 1322:7, 1322:17, 1322:20, 1323:14, 1323:18, 1323:21, 1325:1,</p>	<p>1325:18, 1326:7, 1327:12, 1327:18, 1328:7, 1328:12, 1329:11, 1329:23, 1331:10, 1331:18, 1332:13, 1332:20 management [2] - 1200:12, 1352:5 managers [3] - 1282:7, 1355:17, 1355:20 managing [1] - 1354:16 manfredi [2] - 1201:23, 1206:15 Manfredi [16] - 1198:2, 1198:4, 1199:7, 1199:25, 1200:14, 1200:22, 1201:7, 1202:3, 1202:9, 1203:19, 1204:17, 1205:3, 1205:22, 1219:4, 1220:6, 1369:24 Manfredi's [1] - 1198:19 manipulated [1] - 1313:5 manipulator [1] - 1259:25 Mar [3] - 1231:8, 1231:12, 1231:14 March [5] - 1268:19, 1278:1, 1278:22, 1279:14, 1294:5 mark [1] - 1324:20 marked [22] - 1189:4, 1205:6, 1256:3, 1278:5, 1279:3, 1283:17, 1286:6, 1287:3, 1288:22, 1289:19, 1292:6, 1292:15, 1292:22, 1294:2, 1310:4, 1317:4, 1320:12, 1343:24, 1352:12, 1360:5, 1360:7, 1360:23 Mastercard [1] - 1291:18 match [2] - 1329:16, 1330:1 material [1] - 1274:10 materials [1] - 1370:7 math [1] - 1221:1 Matter [11] - 1182:12, 1183:17, 1184:14, 1185:1, 1279:24, 1280:11, 1281:1, 1284:17, 1285:17,</p>	<p>1286:1, 1301:11 matter [16] - 1202:16, 1223:15, 1242:9, 1254:7, 1257:5, 1263:7, 1263:8, 1279:9, 1282:2, 1282:6, 1282:9, 1283:1, 1284:1, 1302:14, 1328:15, 1372:3 matters [3] - 1263:9, 1272:14, 1273:5 mattress [1] - 1188:22 mean [8] - 1201:1, 1292:1, 1292:2, 1297:10, 1298:6, 1354:19, 1355:21, 1358:7 meaning [3] - 1200:6, 1215:15, 1358:14 meant [1] - 1341:12 mechanism [1] - 1262:5 mediating [1] - 1228:10 mediation [11] - 1227:13, 1227:14, 1227:16, 1227:21, 1228:7, 1228:9, 1228:12, 1229:7, 1230:10, 1231:11, 1315:3 medical [1] - 1183:15 meet [2] - 1191:12, 1224:8 meeting [18] - 1188:19, 1189:13, 1194:4, 1196:12, 1236:21, 1236:23, 1237:7, 1237:10, 1237:16, 1247:19, 1250:19, 1250:22, 1252:8, 1252:15, 1253:2, 1253:6, 1253:21, 1355:18 meetings [2] - 1227:11, 1253:23 member [3] - 1354:17, 1355:18, 1355:19 members [11] - 1185:8, 1186:10, 1214:3, 1214:5, 1236:2, 1275:19, 1282:7, 1305:13, 1311:3, 1353:19, 1355:22 membership [6] - 1243:5, 1245:15, 1247:7, 1353:18, 1354:10, 1363:12</p>	<p>Memorial [1] - 1180:22 mention [1] - 1366:15 mentioned [8] - 1183:8, 1200:22, 1203:3, 1212:17, 1264:4, 1308:16, 1359:21, 1370:13 mentioning [2] - 1292:2, 1301:2 merits [5] - 1263:1, 1263:19, 1263:20, 1263:25, 1264:1 met [18] - 1187:25, 1188:14, 1191:10, 1191:18, 1191:19, 1193:5, 1194:6, 1195:17, 1196:9, 1198:24, 1236:17, 1238:2, 1238:4, 1238:7, 1249:17, 1252:6, 1312:16, 1337:14 Metabank [9] - 1349:23, 1350:2, 1350:6, 1350:7, 1350:8, 1359:22, 1359:23, 1361:1, 1367:14 Mexican [5] - 1221:13, 1221:14, 1222:4, 1222:12 Mexico [8] - 1191:15, 1191:16, 1197:22, 1221:7, 1222:2, 1231:8, 1263:9, 1283:13 Miami [3] - 1276:22, 1277:8, 1293:18 Michael [2] - 1224:4, 1224:16 mid [1] - 1260:18 middle [6] - 1193:22, 1193:23, 1209:7, 1250:19, 1250:22, 1323:2 might [7] - 1207:16, 1211:1, 1211:16, 1211:20, 1211:25, 1294:16, 1371:11 Milian [1] - 1276:24 million [36] - 1186:25, 1187:4, 1204:25, 1205:4, 1205:19, 1206:4, 1206:7, 1208:14, 1208:18, 1209:2, 1209:13, 1210:13, 1210:21, 1213:3, 1213:21, 1213:24, 1215:12,</p>
--	---	---	--	--

1218:17, 1222:5, 1238:17, 1240:18, 1240:24, 1248:11, 1250:23, 1253:13, 1264:10, 1319:14, 1319:25, 1320:10, 1320:22, 1321:7, 1323:3, 1345:24, 1346:21, 1350:8, 1365:20 millions [2] - 1264:9, 1320:1 mind [10] - 1215:11, 1222:17, 1233:21, 1233:22, 1261:21, 1305:23, 1306:5, 1306:24, 1307:1, 1371:9 mine [4] - 1220:3, 1249:23, 1338:9, 1339:21 Mineola [1] - 1181:2 mini [1] - 1333:24 mini-summations [1] - 1333:24 minus [1] - 1345:12 minute [4] - 1217:13, 1279:22, 1305:14, 1333:14 minutes [8] - 1184:10, 1185:16, 1249:24, 1254:5, 1267:13, 1275:6, 1312:7, 1335:11 misappropriated [4] - 1230:15, 1236:12, 1313:21, 1314:20 MISKIEWICZ [92] - 1180:17, 1181:19, 1184:7, 1192:24, 1197:11, 1202:5, 1202:10, 1205:24, 1206:16, 1208:20, 1211:13, 1212:5, 1212:7, 1212:23, 1213:11, 1213:19, 1221:4, 1221:10, 1221:18, 1222:13, 1224:23, 1226:22, 1227:4, 1229:16, 1230:6, 1230:24, 1231:3, 1231:21, 1232:18, 1233:2, 1233:25, 1234:15, 1235:10, 1240:21, 1241:14, 1244:13, 1244:15, 1245:18, 1246:24, 1248:5, 1249:6, 1250:8, 1256:17, 1256:23,	1257:2, 1260:16, 1263:7, 1275:12, 1308:15, 1309:6, 1310:2, 1314:3, 1314:10, 1316:20, 1323:6, 1324:10, 1326:11, 1328:1, 1331:13, 1331:22, 1332:9, 1332:14, 1333:10, 1334:18, 1337:12, 1342:11, 1344:24, 1347:20, 1348:1, 1348:21, 1349:3, 1349:18, 1350:15, 1351:6, 1351:18, 1352:23, 1358:8, 1358:19, 1359:16, 1360:19, 1362:13, 1363:1, 1363:16, 1365:3, 1365:6, 1365:11, 1367:2, 1367:19, 1369:3, 1369:20, 1370:11, 1370:20 Miskiewicz [2] - 1181:20, 1371:17 mispronounce [1] - 1204:1 missed [1] - 1214:9 misspoke [2] - 1341:12, 1341:15 mistake [2] - 1234:11, 1327:24 mistaken [4] - 1211:4, 1212:11, 1212:21, 1242:6 mixing [1] - 1325:11 mom [1] - 1340:24 moment [11] - 1217:24, 1236:16, 1254:3, 1257:10, 1258:21, 1326:4, 1328:24, 1358:4, 1365:13, 1368:16, 1370:11 moments [2] - 1250:18, 1315:19 Monday [8] - 1346:16, 1346:17, 1346:18, 1368:5, 1368:8, 1368:12, 1368:19, 1372:2 money [142] - 1186:21, 1187:4, 1188:12, 1191:2, 1192:16, 1193:3, 1193:7, 1194:7, 1197:13, 1198:16, 1198:22, 1199:4, 1206:9, 1208:11, 1209:11,	1209:21, 1210:2, 1211:5, 1213:17, 1214:2, 1214:17, 1214:21, 1214:25, 1216:9, 1216:13, 1216:25, 1217:4, 1217:11, 1218:2, 1218:20, 1220:22, 1221:8, 1221:12, 1221:17, 1221:22, 1221:25, 1222:1, 1222:20, 1222:23, 1223:1, 1223:4, 1225:17, 1225:24, 1226:2, 1229:20, 1229:21, 1229:23, 1230:13, 1230:16, 1236:12, 1237:15, 1237:23, 1237:25, 1238:5, 1238:12, 1238:14, 1238:15, 1238:24, 1239:2, 1239:4, 1239:5, 1239:7, 1239:12, 1239:13, 1239:16, 1240:13, 1240:14, 1240:16, 1242:7, 1245:3, 1246:13, 1248:9, 1249:4, 1257:3, 1257:7, 1261:1, 1261:3, 1261:10, 1261:15, 1261:17, 1261:22, 1263:16, 1263:22, 1264:2, 1266:7, 1268:16, 1268:17, 1270:25, 1271:9, 1271:12, 1271:21, 1272:8, 1272:9, 1272:10, 1273:3, 1273:16, 1273:18, 1274:12, 1274:15, 1291:13, 1295:15, 1296:6, 1296:10, 1303:19, 1303:22, 1304:15, 1306:12, 1306:25, 1313:3, 1313:21, 1314:20, 1318:15, 1319:17, 1320:3, 1321:16, 1325:17, 1327:16, 1334:2, 1336:24, 1338:17, 1338:25, 1339:4, 1339:5, 1339:8, 1341:25, 1342:2, 1342:8, 1342:9, 1342:17, 1343:6, 1343:11, 1346:3, 1346:15, 1347:1, 1350:20, 1351:3, 1351:7,	1354:12, 1359:2, 1362:4 moneys [1] - 1265:24 monies [31] - 1214:13, 1215:6, 1217:16, 1220:19, 1220:20, 1222:3, 1222:17, 1226:19, 1229:14, 1240:11, 1241:2, 1241:6, 1242:10, 1266:1, 1272:4, 1272:16, 1272:23, 1285:3, 1304:7, 1306:16, 1315:23, 1317:12, 1322:2, 1323:13, 1323:17, 1325:1, 1325:21, 1328:11, 1340:8, 1354:7, 1357:11 month [2] - 1327:12, 1350:9 monthly [3] - 1201:9, 1326:7, 1328:6 months [2] - 1238:6, 1247:21 Moreau [2] - 1345:18, 1367:8 morning [20] - 1181:19, 1181:21, 1181:22, 1181:24, 1181:25, 1182:2, 1182:3, 1182:5, 1182:6, 1184:10, 1185:8, 1185:9, 1185:13, 1186:3, 1186:4, 1313:24, 1323:7, 1323:8, 1368:8, 1368:12 morons [1] - 1345:12 mortgage [1] - 1295:8 Mortgage [2] - 1204:19, 1205:19 mortgages [1] - 1295:12 most [4] - 1227:21, 1273:14, 1283:16, 1302:9 mostly [1] - 1310:13 mother [12] - 1214:6, 1240:4, 1240:6, 1338:22, 1339:17, 1342:14, 1342:18, 1349:8, 1350:22, 1351:17, 1352:10, 1357:17 mother's [2] - 1214:23, 1215:1 motive [4] - 1271:11, 1271:12, 1272:1, 1273:15	move [11] - 1218:15, 1225:6, 1235:16, 1236:9, 1290:11, 1299:5, 1314:4, 1326:2, 1328:23, 1335:8, 1367:24 moves [3] - 1278:23, 1284:12, 1289:9 moving [3] - 1291:2, 1293:16, 1310:20 MR [267] - 1181:19, 1181:25, 1182:3, 1182:6, 1182:8, 1183:2, 1184:5, 1184:7, 1184:12, 1185:24, 1186:2, 1192:24, 1193:12, 1193:17, 1197:11, 1197:12, 1202:5, 1202:10, 1203:2, 1203:6, 1203:18, 1205:8, 1205:24, 1206:16, 1206:18, 1208:20, 1211:13, 1211:15, 1212:5, 1212:6, 1212:7, 1212:23, 1213:11, 1213:19, 1216:15, 1217:13, 1221:4, 1221:10, 1221:18, 1222:13, 1224:1, 1224:23, 1225:7, 1225:8, 1226:22, 1226:24, 1227:4, 1227:8, 1227:10, 1229:16, 1229:18, 1230:6, 1230:24, 1231:1, 1231:3, 1231:21, 1232:18, 1233:2, 1233:8, 1233:13, 1233:25, 1234:11, 1234:15, 1234:25, 1235:4, 1235:10, 1235:11, 1235:14, 1235:18, 1236:7, 1236:8, 1240:21, 1241:14, 1241:16, 1244:13, 1244:15, 1244:18, 1244:21, 1245:18, 1246:24, 1247:1, 1248:5, 1248:7, 1249:6, 1249:12, 1249:14, 1250:8, 1250:10, 1254:3, 1255:2, 1255:8, 1255:10, 1256:2, 1256:15, 1256:17, 1256:19, 1256:23, 1257:2, 1257:10, 1257:12, 1257:14,
--	---	--	---	--

1258:12, 1259:3, 1259:14, 1259:21, 1260:11, 1260:16, 1260:23, 1261:24, 1263:7, 1264:4, 1265:10, 1265:13, 1265:23, 1267:5, 1267:13, 1267:23, 1268:3, 1268:6, 1268:9, 1268:13, 1269:4, 1269:11, 1269:24, 1269:25, 1270:2, 1270:5, 1270:12, 1270:17, 1272:12, 1273:4, 1274:19, 1274:21, 1275:12, 1277:21, 1278:25, 1279:1, 1279:19, 1279:22, 1280:2, 1284:14, 1285:2, 1285:12, 1286:3, 1289:14, 1289:16, 1296:19, 1296:20, 1296:22, 1300:8, 1302:2, 1302:9, 1303:2, 1304:18, 1304:21, 1305:4, 1305:8, 1308:7, 1308:15, 1308:16, 1308:19, 1308:23, 1309:4, 1309:6, 1310:2, 1310:17, 1311:6, 1311:8, 1314:3, 1314:5, 1314:10, 1316:17, 1316:20, 1316:21, 1316:25, 1317:3, 1317:4, 1317:8, 1323:6, 1323:10, 1324:10, 1324:19, 1324:22, 1325:11, 1326:4, 1326:6, 1326:11, 1326:13, 1326:16, 1326:18, 1326:21, 1328:1, 1328:3, 1331:1, 1331:13, 1331:22, 1332:9, 1332:14, 1333:10, 1333:13, 1333:19, 1334:18, 1335:10, 1335:15, 1335:17, 1335:20, 1335:23, 1336:3, 1336:7, 1336:15, 1336:16, 1337:12, 1339:24, 1340:2, 1342:11, 1344:22, 1344:24, 1345:3, 1347:20, 1348:1, 1348:21, 1348:23, 1349:3,	1349:4, 1349:18, 1350:15, 1351:6, 1351:8, 1351:18, 1352:21, 1352:23, 1353:1, 1353:5, 1353:10, 1358:2, 1358:4, 1358:8, 1358:19, 1358:21, 1359:16, 1360:17, 1360:19, 1360:20, 1362:13, 1363:1, 1363:16, 1364:24, 1365:3, 1365:6, 1365:11, 1365:13, 1367:2, 1367:19, 1367:22, 1369:3, 1369:4, 1369:5, 1369:20, 1370:10, 1370:11, 1370:13, 1370:20, 1371:11, 1371:19, 1373:4, 1373:10, 1373:14 MS [34] - 1181:22, 1268:18, 1268:22, 1269:7, 1270:8, 1270:20, 1271:2, 1271:6, 1275:6, 1276:2, 1276:16, 1278:23, 1279:4, 1279:21, 1280:6, 1280:9, 1281:3, 1284:12, 1285:7, 1285:15, 1286:16, 1286:18, 1289:9, 1296:17, 1298:23, 1300:1, 1300:5, 1300:19, 1301:5, 1302:3, 1302:7, 1304:25, 1305:9, 1373:8 N Na'alehu [2] - 1218:1, 1223:7 name [26] - 1188:5, 1189:17, 1191:5, 1195:4, 1196:5, 1196:19, 1197:1, 1198:2, 1204:21, 1208:24, 1214:7, 1214:9, 1214:10, 1224:4, 1264:17, 1276:11, 1276:23, 1277:3, 1290:7, 1293:21, 1294:11, 1331:23, 1332:5, 1351:5, 1363:19, 1366:19 named [4] - 1276:25, 1277:13, 1283:10,	1292:19 names [2] - 1197:18, 1345:17 narratives [1] - 1335:8 narrow [1] - 1234:7 Nash [5] - 1332:2, 1332:5, 1332:6, 1369:22 Nashes [1] - 1332:25 nationally [1] - 1350:1 naturalization [3] - 1184:9, 1185:13, 1202:12 nature [3] - 1277:11, 1279:16, 1301:6 near [2] - 1184:5, 1248:22 necessarily [1] - 1310:8 necessary [6] - 1183:9, 1187:19, 1200:23, 1208:8, 1208:17, 1334:24 need [18] - 1183:13, 1189:9, 1203:4, 1245:9, 1255:6, 1260:10, 1260:12, 1272:22, 1274:13, 1298:22, 1300:9, 1307:5, 1324:4, 1327:7, 1340:2, 1353:19, 1355:17, 1370:14 needed [11] - 1187:5, 1187:13, 1187:18, 1212:18, 1228:22, 1237:3, 1237:20, 1274:13, 1347:2, 1349:25 needing [1] - 1273:15 needs [6] - 1212:7, 1249:4, 1295:7, 1327:6, 1346:15, 1346:16 negates [1] - 1265:1 negotiated [1] - 1359:4 negotiating [1] - 1204:18 neighborhood [4] - 1206:7, 1217:8, 1220:16, 1221:2 Neptune [9] - 1346:18, 1346:21, 1348:8, 1348:11, 1348:12, 1348:14, 1348:17, 1350:14, 1363:5 Net [2] - 1359:24, 1361:1 NET [1] - 1359:24	never [10] - 1188:18, 1192:22, 1193:6, 1221:15, 1231:18, 1232:3, 1291:14, 1292:5, 1343:19, 1371:12 NEW [1] - 1180:1 new [3] - 1353:19, 1363:6, 1363:7 New [6] - 1180:5, 1180:17, 1180:23, 1181:2, 1181:5, 1181:8 newspaper [1] - 1303:10 next [42] - 1182:12, 1183:17, 1184:14, 1189:3, 1202:16, 1219:13, 1223:15, 1230:3, 1232:21, 1235:20, 1254:9, 1255:12, 1256:25, 1257:15, 1274:24, 1275:5, 1275:21, 1276:1, 1279:24, 1280:11, 1281:23, 1284:17, 1285:17, 1300:24, 1301:11, 1302:14, 1309:7, 1310:23, 1317:18, 1326:1, 1329:14, 1330:4, 1355:12, 1355:14, 1356:6, 1368:6, 1368:7, 1368:11, 1368:25, 1369:19, 1370:3, 1370:4 Nick [1] - 1196:5 nick [1] - 1196:12 night [3] - 1183:3, 1271:18, 1370:8 nine [1] - 1340:15 NO [2] - 1196:20, 1369:16 nobody [1] - 1243:19 Nolan [1] - 1345:18 none [1] - 1270:7 nonexistent [1] - 1333:9 normally [1] - 1239:23 North [1] - 1290:18 Northern [2] - 1224:11, 1225:9 not.. [1] - 1291:24 note [2] - 1269:8, 1341:4 noted [3] - 1181:12, 1275:2, 1317:11 notes [12] - 1190:12, 1190:15, 1190:22,	1194:9, 1194:11, 1308:25, 1315:22, 1324:14, 1328:16, 1328:25, 1330:1, 1335:11 nothing [15] - 1226:1, 1229:11, 1260:2, 1262:24, 1264:1, 1264:3, 1285:3, 1286:11, 1292:14, 1293:10, 1293:14, 1294:1, 1306:19, 1312:17, 1325:10 notified [3] - 1247:18, 1346:25, 1355:18 November [6] - 1205:17, 1344:11, 1346:16, 1346:18, 1346:19, 1363:5 Number [1] - 1290:7 number [12] - 1197:8, 1204:7, 1224:20, 1224:25, 1225:2, 1225:4, 1249:17, 1326:15, 1351:24, 1354:22, 1354:25, 1370:2 O O'Keefe [1] - 1276:24 oath [2] - 1185:17, 1290:3 object [7] - 1205:24, 1257:12, 1285:2, 1302:3, 1305:1, 1310:4, 1371:12 objected [1] - 1310:6 objecting [1] - 1233:5 objection [97] - 1192:24, 1197:11, 1202:5, 1202:10, 1206:16, 1208:20, 1211:13, 1212:5, 1212:23, 1213:11, 1213:19, 1213:20, 1221:4, 1221:10, 1221:18, 1222:13, 1224:23, 1226:22, 1227:4, 1229:16, 1230:6, 1230:24, 1231:3, 1231:21, 1232:18, 1240:21, 1241:14, 1244:13, 1245:18, 1246:24, 1248:5, 1250:8, 1256:17, 1256:18, 1257:9, 1267:22, 1268:12, 1278:25, 1279:1, 1286:2,
--	--	---	--	--

1286:3, 1289:13, 1289:16, 1298:23, 1300:1, 1300:5, 1300:19, 1300:23, 1300:24, 1302:12, 1304:25, 1305:20, 1307:6, 1314:3, 1314:10, 1316:19, 1316:20, 1316:25, 1323:6, 1324:10, 1326:12, 1326:18, 1328:1, 1331:13, 1331:22, 1332:9, 1332:14, 1333:10, 1336:7, 1337:12, 1342:11, 1344:24, 1345:3, 1347:20, 1348:1, 1348:21, 1349:3, 1349:18, 1350:15, 1351:6, 1351:18, 1352:23, 1352:25, 1358:8, 1358:19, 1359:16, 1360:19, 1360:20, 1362:13, 1363:1, 1363:16, 1365:3, 1365:6, 1365:11, 1367:2, 1367:19, 1369:2 obligation [1] - 1299:5 obligations [2] - 1347:6, 1348:5 obvious [4] - 1187:10, 1187:16, 1196:23, 1238:24 obviously [8] - 1187:16, 1247:20, 1262:23, 1271:21, 1273:6, 1273:22, 1274:18, 1369:14 occasion [3] - 1190:13, 1190:14, 1298:1 occasions [3] - 1249:18, 1267:24, 1297:14 occupation [2] - 1191:17, 1195:16 occur [3] - 1232:11, 1250:16, 1313:11 occurred [11] - 1206:2, 1206:11, 1207:13, 1207:16, 1210:6, 1210:8, 1216:9, 1258:1, 1271:25, 1303:8, 1306:8 occurring [1] - 1301:2 Oceanside [1] - 1181:5	October [13] - 1189:13, 1189:23, 1193:2, 1193:6, 1197:17, 1207:14, 1209:11, 1287:11, 1287:17, 1294:4, 1318:20, 1322:12, 1361:13 OF [2] - 1180:1, 1180:3 offer [4] - 1256:15, 1270:16, 1300:6, 1305:22 offered [4] - 1257:4, 1271:7, 1316:22, 1316:24 offers [1] - 1326:6 offhand [1] - 1338:11 Office [2] - 1287:9, 1287:22 office [3] - 1253:12, 1277:7, 1323:3 officer [2] - 1190:5, 1200:6 officers [2] - 1282:8, 1282:14 offices [1] - 1250:20 Offices [1] - 1287:16 often [2] - 1201:19, 1243:15 Old [1] - 1181:1 OLIVERAS [3] - 1181:4, 1182:6, 1255:10 Oliveras [1] - 1182:7 once [4] - 1216:3, 1227:13, 1243:16, 1370:23 one [85] - 1184:3, 1189:3, 1189:8, 1191:2, 1194:8, 1194:23, 1197:18, 1201:24, 1204:10, 1204:13, 1216:3, 1218:24, 1219:4, 1219:13, 1224:8, 1231:5, 1233:19, 1236:9, 1237:18, 1247:24, 1254:3, 1254:5, 1255:9, 1256:10, 1260:3, 1262:1, 1264:5, 1264:11, 1266:4, 1267:23, 1268:24, 1269:19, 1271:21, 1272:13, 1273:5, 1273:8, 1273:11, 1273:20, 1285:5, 1290:25, 1293:19, 1293:20, 1294:15,	1296:7, 1298:20, 1301:3, 1304:8, 1304:9, 1304:20, 1308:12, 1308:16, 1308:17, 1315:1, 1315:9, 1318:23, 1318:24, 1324:6, 1324:11, 1326:4, 1329:14, 1331:2, 1331:9, 1332:23, 1338:14, 1338:25, 1341:3, 1341:18, 1342:6, 1343:21, 1344:8, 1344:11, 1346:21, 1352:1, 1352:13, 1357:23, 1360:1, 1361:24, 1363:4, 1365:13, 1366:19, 1371:13 One [1] - 1180:21 ones [1] - 1237:18 onward [1] - 1293:16 Open [3] - 1185:1, 1281:1, 1286:1 open [7] - 1235:3, 1236:1, 1256:1, 1258:1, 1302:10, 1303:1, 1311:1 open-ended [1] - 1235:3 openly [1] - 1360:25 operating [3] - 1200:6, 1355:13, 1355:17 opportunity [8] - 1216:1, 1243:12, 1252:9, 1254:4, 1263:3, 1311:9, 1320:15, 1359:9 opposed [2] - 1297:20, 1304:3 optimistic [1] - 1248:20 order [11] - 1186:22, 1187:17, 1187:18, 1208:8, 1275:20, 1275:24, 1298:22, 1299:2, 1299:9, 1355:16, 1355:24 ordered [1] - 1298:8 ordinary [2] - 1284:7, 1284:10 organizing [1] - 1352:1 original [1] - 1255:3 originator [2] - 1331:11, 1331:20 Osborn [1] - 1370:1 ourselves [1] - 1336:4 outlines [1] - 1199:22 outright [1] - 1262:18	outside [2] - 1234:12, 1258:20 outstanding [4] - 1343:14, 1343:20, 1347:6, 1347:24 outweighed [2] - 1274:7, 1307:2 overall [1] - 1272:19 overcome [1] - 1268:12 overruled [18] - 1206:21, 1211:14, 1221:5, 1221:19, 1230:7, 1240:22, 1241:15, 1244:20, 1245:19, 1250:9, 1300:21, 1300:23, 1337:13, 1342:12, 1351:19, 1352:24, 1358:20, 1367:3 overstating [3] - 1192:11, 1192:12 owed [15] - 1215:12, 1216:12, 1220:22, 1221:2, 1221:8, 1221:12, 1221:16, 1221:22, 1221:25, 1238:13, 1238:17, 1239:12, 1239:13, 1295:15, 1354:8 Owen [1] - 1345:18 owing [1] - 1222:3 own [13] - 1198:22, 1209:21, 1210:2, 1214:7, 1214:18, 1234:2, 1234:3, 1261:22, 1265:18, 1291:21, 1291:22, 1294:1, 1324:14 owned [2] - 1293:25, 1298:17 ownership [1] - 1350:18 owns [1] - 1290:21	1270:11, 1270:25, 1271:1, 1271:4, 1271:6, 1274:24, 1278:14, 1279:24, 1280:11, 1284:17, 1285:17, 1289:21, 1290:6, 1291:7, 1292:6, 1292:15, 1292:22, 1292:23, 1294:2, 1295:1, 1295:19, 1301:11, 1302:14, 1309:7, 1310:23, 1322:14, 1323:1, 1324:5, 1330:4, 1341:19, 1355:14, 1356:6 pages [1] - 1189:10 Paid [3] - 1218:16, 1218:24, 1220:12 paid [21] - 1192:4, 1192:16, 1193:3, 1195:22, 1196:3, 1196:4, 1197:9, 1197:14, 1218:21, 1219:3, 1223:1, 1261:4, 1272:3, 1283:15, 1295:12, 1295:21, 1296:12, 1298:8, 1343:14, 1343:21, 1347:10 pain [1] - 1183:10 paint [1] - 1272:25 paints [1] - 1273:2 Palm [2] - 1297:4, 1299:20 paper [8] - 1242:4, 1242:6, 1251:10, 1251:12, 1252:1, 1315:22, 1316:10, 1319:12 paperwork [1] - 1362:22 paragraph [11] - 1244:9, 1248:17, 1253:9, 1281:19, 1281:23, 1281:25, 1282:4, 1322:15, 1323:1, 1350:13, 1355:12 paragraphs [1] - 1306:9 parcels [3] - 1187:20, 1187:21, 1199:23 part [34] - 1183:12, 1183:13, 1184:2, 1187:6, 1204:1, 1218:21, 1218:22, 1219:21, 1228:9, 1256:20, 1259:18, 1260:1, 1261:6,
---	---	--	--	--

P

p.m [3] - 1275:2,
1275:17, 1368:21
page [55] - 1182:12,
1183:17, 1184:14,
1189:9, 1189:10,
1189:25, 1190:25,
1193:21, 1193:22,
1202:16, 1209:6,
1220:10, 1223:7,
1223:15, 1232:21,
1235:20, 1244:10,
1254:9, 1255:12,
1256:25, 1257:15,

1273:19, 1277:9, 1283:3, 1283:6, 1283:9, 1283:12, 1291:22, 1300:6, 1318:21, 1331:3, 1341:1, 1341:20, 1343:17, 1347:6, 1348:9, 1348:13, 1349:6, 1359:8, 1361:19, 1362:20, 1364:15 participate [3] - 1227:11, 1262:7, 1363:20 participated [1] - 1262:14 particular [13] - 1187:4, 1188:1, 1188:15, 1205:14, 1272:13, 1272:14, 1273:5, 1273:11, 1298:8, 1298:13, 1321:1, 1363:9, 1371:13 particularly [4] - 1186:6, 1187:25, 1189:16, 1324:25 partner [7] - 1198:1, 1198:5, 1202:9, 1204:17, 1205:17, 1277:10 Partners [1] - 1242:16 partners [3] - 1186:21, 1282:7, 1282:13 party [1] - 1341:5 passed [1] - 1213:2 past [1] - 1357:12 patent [1] - 1237:15 patents [3] - 1237:2, 1237:14, 1343:18 patience [1] - 1203:14 Patrick [6] - 1276:2, 1276:12, 1289:25, 1295:21, 1296:7, 1339:6 pattern [1] - 1362:19 Pause [11] - 1256:22, 1257:11, 1315:20, 1320:14, 1324:18, 1326:3, 1326:5, 1326:17, 1327:3, 1327:9, 1328:9 paused [1] - 1197:21 pay [7] - 1215:20, 1264:16, 1273:16, 1274:13, 1274:14, 1288:16, 1296:6 paying [4] - 1295:7, 1295:8, 1296:4, 1296:5	Payment [1] - 1223:9 payment [16] - 1223:10, 1224:2, 1224:10, 1286:24, 1287:7, 1287:13, 1287:20, 1288:3, 1288:8, 1295:8, 1296:16, 1299:14, 1317:18, 1346:22, 1347:9 payments [13] - 1284:2, 1285:3, 1285:4, 1285:6, 1285:7, 1288:14, 1295:12, 1296:13, 1296:14, 1317:12, 1349:23, 1350:7 payout [1] - 1206:6 payroll [1] - 1346:20 Peca [5] - 1195:7, 1224:4, 1224:15, 1334:4, 1335:5 penalties [1] - 1242:15 pending [1] - 1297:3 people [11] - 1197:9, 1229:3, 1314:8, 1339:4, 1341:6, 1346:12, 1347:23, 1363:9, 1363:21, 1365:9, 1369:20 per [2] - 1289:17, 1347:7 percent [14] - 1210:24, 1211:22, 1211:24, 1212:1, 1212:2, 1252:16, 1252:21, 1253:3, 1253:22, 1306:4, 1333:4, 1345:11, 1345:25, 1366:16 percentage [7] - 1252:18, 1306:18, 1350:18, 1350:24, 1352:2, 1357:16, 1357:17 percentages [1] - 1357:1 performed [1] - 1188:20 performers [2] - 1199:22, 1200:19 period [20] - 1186:7, 1186:15, 1186:20, 1188:15, 1190:9, 1195:12, 1199:8, 1201:6, 1201:21, 1204:16, 1204:23, 1206:22, 1222:9, 1240:8, 1252:20,	1259:25, 1269:18, 1269:21, 1326:8, 1352:14 perjury [1] - 1242:15 permission [5] - 1182:8, 1254:7, 1267:6, 1311:6, 1324:20 permit [1] - 1260:7 person [13] - 1196:19, 1201:17, 1224:4, 1277:16, 1297:15, 1339:11, 1344:6, 1348:14, 1355:6, 1363:19, 1364:12, 1371:9 person-to-person [1] - 1201:17 personal [12] - 1271:13, 1294:7, 1295:7, 1295:11, 1295:14, 1296:7, 1297:20, 1339:9, 1341:25, 1342:2 personally [10] - 1264:12, 1279:9, 1281:7, 1281:22, 1282:3, 1319:25, 1336:21, 1342:10, 1343:6, 1343:8 persons [1] - 1264:13 perspective [3] - 1359:11, 1360:25, 1370:15 pertained [1] - 1282:22 pertaining [2] - 1283:4, 1283:13 Phil [2] - 1329:12, 1333:5 Philip [1] - 1180:6 PHILLIP [1] - 1180:6 Phillip [2] - 1180:21, 1292:19 phone [4] - 1201:16, 1211:6, 1354:24, 1364:12 phony [2] - 1192:17, 1192:19 photographs [1] - 1370:6 phrase [1] - 1360:10 picked [1] - 1201:16 picture [3] - 1272:25, 1273:1, 1273:2 piece [10] - 1208:15, 1242:4, 1242:6, 1251:10, 1251:12, 1252:1, 1293:24, 1315:22, 1316:10,	1319:12 piecemeal [1] - 1269:15 place [18] - 1216:6, 1233:1, 1236:1, 1247:10, 1255:1, 1256:1, 1257:1, 1261:3, 1291:4, 1299:18, 1303:1, 1306:13, 1306:20, 1310:1, 1311:1, 1313:11, 1360:21, 1365:23 Place [1] - 1290:18 placed [2] - 1258:13, 1340:18 placement [1] - 1358:11 plaintiff [8] - 1298:12, 1298:13, 1299:24, 1300:11, 1361:9, 1362:6, 1362:11, 1362:16 plaintiffs [4] - 1298:7, 1300:14, 1303:4, 1304:22 plaintiffs [1] - 1299:21 plan [1] - 1266:7 play [4] - 1199:7, 1258:10, 1308:19, 1310:21 played [6] - 1188:8, 1199:14, 1235:7, 1258:18, 1259:8, 1312:16 player [6] - 1188:8, 1188:13, 1189:21, 1224:6, 1332:6, 1366:22 players [23] - 1225:12, 1225:17, 1226:6, 1227:17, 1228:7, 1229:1, 1229:5, 1229:8, 1262:5, 1262:6, 1272:17, 1282:25, 1301:4, 1315:16, 1318:20, 1337:6, 1345:16, 1361:17, 1365:19, 1365:24, 1366:2, 1366:24, 1367:6 players' [1] - 1365:15 playing [2] - 1234:12, 1258:15 Plaza [2] - 1180:16, 1181:7 pleasant [1] - 1211:11 pledged [1] - 1343:18 plus [3] - 1221:2, 1322:5, 1345:12	point [34] - 1201:24, 1203:4, 1203:22, 1206:1, 1222:24, 1223:9, 1230:4, 1233:3, 1234:4, 1241:10, 1269:15, 1274:23, 1277:18, 1315:1, 1315:16, 1320:20, 1322:19, 1323:16, 1335:25, 1337:4, 1337:6, 1337:11, 1339:3, 1349:13, 1351:15, 1352:6, 1354:10, 1356:2, 1363:2, 1364:14, 1368:1, 1368:24, 1371:7, 1371:12 pointed [1] - 1371:16 pointing [1] - 1265:17 police [1] - 1190:5 polluted [1] - 1234:2 pool [1] - 1271:2 portion [20] - 1206:9, 1209:7, 1209:16, 1218:23, 1239:13, 1258:10, 1258:14, 1259:9, 1286:8, 1286:9, 1289:3, 1299:2, 1307:17, 1307:20, 1308:12, 1308:15, 1308:17, 1331:16, 1350:25, 1355:15 portions [10] - 1194:15, 1250:13, 1270:15, 1271:20, 1274:17, 1289:18, 1290:6, 1299:16, 1300:7 posed [1] - 1294:3 position [8] - 1194:13, 1200:9, 1233:10, 1265:2, 1265:6, 1265:16, 1265:20, 1266:4 possibility [1] - 1237:14 possible [8] - 1197:21, 1211:1, 1211:16, 1211:19, 1212:10, 1213:7, 1267:6, 1327:24 possibly [3] - 1187:5, 1263:5, 1285:5 post [1] - 1310:7 post-fraud [1] - 1310:7 potential [4] - 1199:21, 1260:20,
---	---	---	---	---

<p>1359:19, 1360:15 practice [2] - 1276:22, 1277:11 precluded [1] - 1282:12 prejudice [4] - 1274:7, 1274:14, 1307:3, 1310:15 prejudicial [1] - 1272:21 prepaid [2] - 1291:18, 1359:5 prepared [1] - 1242:18 preparing [1] - 1242:14 presence [2] - 1234:13, 1235:15 present [8] - 1194:13, 1227:16, 1228:4, 1265:1, 1288:17, 1288:18, 1289:7, 1311:2 presented [3] - 1192:22, 1250:23, 1251:1 presenting [2] - 1251:19, 1262:8 presently [3] - 1291:17, 1292:25, 1293:4 pretty [3] - 1199:23, 1206:2, 1259:5 previous [1] - 1341:19 previously [6] - 1185:21, 1276:25, 1289:17, 1307:11, 1344:3, 1366:25 principals [2] - 1282:8, 1282:13 private [1] - 1319:23 privilege [1] - 1302:4 privileged [1] - 1302:7 Privitello [11] - 1240:8, 1269:1, 1342:23, 1342:25, 1351:2, 1351:7, 1351:10, 1351:16, 1357:23, 1369:19, 1369:22 pro [9] - 1191:11, 1191:14, 1191:16, 1191:19, 1191:22, 1191:23, 1194:6, 1197:5 probative [5] - 1274:6, 1306:6, 1306:15, 1306:25, 1307:1 problem [3] - 1183:7, 1234:12, 1297:24 problems [2] - 1270:7,</p>	<p>1308:10 proceed [2] - 1185:17, 1275:24 proceedings [12] - 1190:23, 1256:22, 1257:11, 1315:20, 1320:14, 1324:18, 1326:3, 1326:5, 1326:17, 1327:3, 1327:9, 1328:9 proceeds [1] - 1264:14 produce [1] - 1215:5 producing [1] - 1350:8 productive [2] - 1371:2, 1371:5 products [2] - 1350:1, 1350:2 professional [3] - 1271:8, 1282:25, 1304:4 profit [1] - 1291:15 profitable [4] - 1291:14, 1292:3, 1304:24, 1305:5 program [1] - 1295:14 programs [1] - 1291:12 progress [1] - 1360:25 project [76] - 1186:11, 1186:14, 1186:18, 1186:23, 1187:1, 1187:3, 1187:7, 1187:14, 1188:3, 1188:13, 1188:17, 1188:21, 1188:25, 1190:3, 1191:3, 1192:2, 1192:5, 1192:9, 1192:15, 1193:3, 1193:7, 1194:24, 1195:9, 1195:10, 1195:14, 1195:23, 1196:14, 1196:17, 1197:2, 1197:5, 1197:19, 1198:2, 1198:6, 1198:10, 1198:16, 1198:20, 1198:23, 1199:8, 1199:15, 1200:6, 1201:10, 1201:14, 1201:20, 1201:24, 1202:4, 1203:21, 1204:2, 1204:14, 1204:24, 1205:4, 1205:14, 1205:20, 1206:14, 1206:20, 1206:23, 1207:20, 1208:8, 1208:19, 1210:9,</p>	<p>1220:23, 1221:13, 1221:14, 1222:4, 1222:12, 1223:5, 1225:13, 1230:1, 1230:17, 1231:8, 1231:12, 1231:14, 1239:8, 1239:9, 1283:13 projects [6] - 1225:10, 1230:19, 1231:7, 1264:8, 1283:4, 1321:22 promise [5] - 1309:4, 1335:12, 1335:16, 1350:20, 1355:22 pronounce [1] - 1189:17 pronunciation [1] - 1204:4 proof [14] - 1250:23, 1251:2, 1251:18, 1251:19, 1252:2, 1253:12, 1253:18, 1253:19, 1319:4, 1319:6, 1319:13, 1323:3, 1358:15 proper [1] - 1265:5 properly [2] - 1204:6, 1204:13 property [15] - 1187:6, 1187:11, 1199:20, 1207:7, 1207:10, 1207:20, 1207:21, 1207:23, 1207:25, 1208:9, 1208:12, 1208:15, 1208:18, 1209:3, 1239:12 prosecutor [1] - 1286:12 prospects [1] - 1245:9 prove [3] - 1257:5, 1265:19, 1272:5 provide [4] - 1241:19, 1319:7, 1320:3, 1370:18 provided [15] - 1215:8, 1241:10, 1241:25, 1252:5, 1262:16, 1262:21, 1303:4, 1316:2, 1316:14, 1333:3, 1353:18, 1355:13, 1370:5, 1370:7, 1370:9 providing [5] - 1189:14, 1201:2, 1203:23, 1282:22, 1319:4 proving [1] - 1273:19 Pruitt [3] - 1279:18,</p>	<p>1281:9, 1282:23 public [4] - 1183:9, 1183:13, 1184:2, 1279:15 publically [1] - 1183:8 publicly [1] - 1183:2 published [1] - 1303:10 purchase [10] - 1187:5, 1187:6, 1187:20, 1207:7, 1207:9, 1208:12, 1209:2, 1263:23, 1362:21, 1363:19 purchased [2] - 1208:19, 1290:25 purchasing [2] - 1187:21, 1350:19 pure [1] - 1257:8 purpose [6] - 1260:4, 1279:6, 1288:14, 1304:6, 1353:23, 1356:4 purposes [9] - 1193:12, 1193:19, 1261:22, 1263:18, 1286:14, 1304:12, 1306:12, 1316:21 put [18] - 1183:5, 1189:3, 1190:20, 1208:11, 1209:1, 1246:22, 1248:9, 1261:25, 1272:16, 1286:12, 1308:18, 1310:8, 1310:11, 1310:12, 1315:24, 1329:4, 1333:24, 1370:2 putting [2] - 1352:2, 1352:10</p>	<p>1233:5, 1234:20, 1253:10, 1255:8, 1296:17, 1296:19, 1296:20, 1298:12, 1300:3, 1302:9, 1302:11, 1302:13, 1304:18, 1333:12, 1367:20 quick [2] - 1305:15, 1326:14 quickly [2] - 1326:2, 1328:23 quite [2] - 1263:5, 1281:11</p>
R				
<p>race [4] - 1271:7, 1271:8, 1271:14, 1281:10 Racing [9] - 1278:10, 1279:8, 1281:21, 1282:3, 1282:5, 1282:9, 1282:15, 1284:1, 1292:9 racing [8] - 1261:4, 1263:24, 1274:9, 1281:5, 1281:16, 1291:12, 1291:13, 1295:14 radar [1] - 1231:17 rae [1] - 1188:19 Rae [5] - 1188:5, 1188:14, 1189:21, 1190:2, 1191:2 RAE [1] - 1188:5 raise [4] - 1186:22, 1276:4, 1345:24, 1346:3 raised [3] - 1264:7, 1264:10, 1264:15 Ranford [1] - 1369:25 range [2] - 1186:25, 1187:5 ranking [1] - 1200:9 rate [2] - 1296:2, 1334:19 rather [1] - 1286:12 read [23] - 1209:8, 1216:16, 1218:5, 1244:16, 1248:18, 1263:3, 1281:23, 1281:25, 1282:4, 1285:10, 1286:14, 1286:19, 1290:5, 1299:15, 1329:9, 1333:25, 1340:22, 1346:23, 1347:13, 1350:10, 1355:12, 1355:14, 1368:8</p>				
Q				
<p>quash [1] - 1299:6 QUESTION [7] - 1291:8, 1293:10, 1293:14, 1294:21, 1295:6, 1295:21, 1296:2 questioned [1] - 1299:22 questioning [9] - 1261:7, 1262:9, 1262:20, 1265:4, 1266:3, 1299:24, 1371:3, 1371:4, 1371:10 questions [19] - 1189:15, 1193:24, 1205:12, 1217:19,</p>				

<p>reading [17] - 1245:5, 1291:7, 1292:7, 1292:17, 1292:24, 1293:9, 1293:13, 1293:16, 1294:3, 1294:20, 1295:5, 1295:20, 1296:1, 1310:3, 1310:4, 1322:22, 1354:15</p> <p>ready [6] - 1185:10, 1185:15, 1202:13, 1203:1, 1203:15</p> <p>real [5] - 1264:8, 1283:4, 1283:13, 1291:11, 1293:24</p> <p>realize [3] - 1187:17, 1254:5, 1255:10</p> <p>realized [1] - 1242:25</p> <p>really [13] - 1257:4, 1260:7, 1263:7, 1292:1, 1294:17, 1294:18, 1294:19, 1300:9, 1312:11, 1312:15, 1312:17, 1370:23, 1371:20</p> <p>reason [8] - 1183:6, 1190:15, 1190:18, 1236:11, 1296:11, 1310:5, 1313:20, 1314:19</p> <p>reasons [2] - 1274:6, 1289:17</p> <p>recalled [1] - 1247:20</p> <p>receive [14] - 1210:24, 1216:21, 1217:11, 1220:20, 1222:17, 1271:10, 1278:17, 1286:22, 1287:11, 1287:18, 1287:24, 1288:6, 1304:7, 1357:2</p> <p>received [31] - 1188:23, 1192:8, 1195:25, 1196:2, 1196:16, 1206:9, 1214:13, 1215:6, 1217:7, 1217:15, 1218:2, 1219:21, 1220:16, 1221:23, 1222:15, 1270:22, 1284:2, 1303:17, 1316:18, 1325:23, 1328:4, 1338:2, 1338:18, 1344:23, 1347:13, 1348:3, 1349:14, 1352:13, 1352:22, 1360:14, 1360:17</p> <p>receives [1] - 1298:21</p> <p>receiving [2] - 1351:4,</p>	<p>1351:21</p> <p>Recess [1] - 1335:25</p> <p>recess [5] - 1183:12, 1202:15, 1260:25, 1274:22, 1336:1</p> <p>recipient [1] - 1299:5</p> <p>recognize [10] - 1194:1, 1194:3, 1244:7, 1266:25, 1278:6, 1283:20, 1316:6, 1320:18, 1344:8, 1360:11</p> <p>recollection [46] - 1190:1, 1191:1, 1193:10, 1194:4, 1194:16, 1194:18, 1194:22, 1197:6, 1202:2, 1205:13, 1205:17, 1207:13, 1208:17, 1209:15, 1209:25, 1210:3, 1212:6, 1212:8, 1213:14, 1213:16, 1225:21, 1228:2, 1232:13, 1248:18, 1259:12, 1260:9, 1266:20, 1266:22, 1287:1, 1287:5, 1303:6, 1303:7, 1308:6, 1308:9, 1311:13, 1311:17, 1313:16, 1321:2, 1322:1, 1322:6, 1332:8, 1339:16, 1347:25, 1350:17, 1361:16, 1361:24</p> <p>recommend [1] - 1349:7</p> <p>reconvene [4] - 1202:13, 1258:4, 1275:23, 1305:14</p> <p>record [26] - 1181:18, 1183:13, 1190:15, 1190:18, 1193:12, 1198:9, 1216:16, 1220:10, 1222:7, 1284:3, 1288:10, 1290:6, 1293:6, 1314:2, 1314:6, 1314:24, 1316:1, 1316:14, 1316:21, 1327:15, 1329:5, 1331:5, 1331:14, 1355:10, 1360:21, 1370:5</p> <p>recorded [3] - 1212:21, 1234:16, 1284:7</p> <p>recording [7] - 1259:11, 1259:17,</p>	<p>1260:22, 1260:23, 1262:9, 1307:17, 1307:20</p> <p>records [4] - 1206:14, 1326:9, 1333:25, 1334:12</p> <p>recovering [1] - 1362:3</p> <p>redacted [5] - 1256:19, 1270:2, 1285:9, 1285:11, 1286:5</p> <p>redaction [2] - 1286:7, 1286:8</p> <p>redactions [1] - 1255:10</p> <p>redirect [6] - 1233:4, 1234:20, 1305:9, 1336:6, 1371:14</p> <p>redirects [2] - 1371:17, 1371:25</p> <p>reduce [2] - 1218:14, 1218:24</p> <p>reenters [1] - 1369:7</p> <p>reference [12] - 1189:11, 1203:22, 1206:1, 1215:13, 1220:21, 1234:14, 1234:23, 1270:24, 1295:2, 1295:22, 1352:10, 1362:24</p> <p>references [1] - 1255:4</p> <p>referencing [3] - 1239:25, 1240:3, 1253:24</p> <p>referred [2] - 1278:4, 1304:1</p> <p>referring [8] - 1270:12, 1273:3, 1288:11, 1316:8, 1341:1, 1345:13, 1350:21, 1363:3</p> <p>refers [1] - 1345:8</p> <p>reflect [4] - 1306:4, 1306:23, 1318:12, 1341:7</p> <p>reflected [3] - 1251:12, 1315:23, 1338:4</p> <p>reflects [2] - 1279:7, 1286:23</p> <p>refresh [28] - 1189:25, 1191:1, 1193:10, 1194:4, 1194:15, 1194:18, 1194:22, 1197:6, 1202:2, 1205:16, 1207:13, 1209:15, 1209:25, 1210:2, 1213:14,</p>	<p>1213:16, 1259:12, 1266:20, 1266:22, 1287:1, 1287:4, 1308:9, 1311:13, 1311:17, 1322:1, 1332:7, 1347:25, 1361:16</p> <p>refreshed [1] - 1212:8</p> <p>refreshes [5] - 1205:12, 1248:18, 1260:9, 1308:5, 1313:16</p> <p>refreshing [2] - 1205:11, 1212:6</p> <p>regain [1] - 1345:20</p> <p>regard [3] - 1190:1, 1220:22, 1364:17</p> <p>regarding [14] - 1205:13, 1215:6, 1227:11, 1239:11, 1254:1, 1259:23, 1260:20, 1272:17, 1273:23, 1316:11, 1340:5, 1340:22, 1360:15, 1368:9</p> <p>regards [20] - 1196:25, 1201:2, 1210:17, 1233:22, 1243:24, 1255:9, 1262:17, 1272:20, 1273:7, 1297:1, 1299:8, 1303:5, 1320:9, 1342:7, 1342:14, 1342:25, 1352:15, 1354:4, 1355:2, 1371:13</p> <p>regular [1] - 1205:22</p> <p>relate [5] - 1263:21, 1269:20, 1271:20, 1273:21, 1306:8</p> <p>related [6] - 1263:23, 1272:16, 1273:11, 1349:21, 1349:22, 1362:19</p> <p>relates [10] - 1183:15, 1263:2, 1265:18, 1272:14, 1306:6, 1306:16, 1306:18, 1307:4, 1358:10, 1358:11</p> <p>relating [1] - 1306:10</p> <p>relationship [3] - 1201:7, 1272:9, 1300:12</p> <p>relatively [1] - 1275:21</p> <p>release [1] - 1364:2</p> <p>released [1] - 1363:25</p> <p>relevance [12] - 1233:7, 1261:18, 1268:9, 1270:19,</p>	<p>1271:3, 1271:4, 1271:5, 1271:20, 1274:3, 1285:6, 1302:6, 1362:13</p> <p>relevancy [1] - 1268:11</p> <p>relevant [8] - 1271:23, 1272:4, 1272:8, 1273:14, 1273:25, 1286:10, 1286:14</p> <p>reluctance [1] - 1235:5</p> <p>rely [1] - 1190:22</p> <p>relying [1] - 1323:15</p> <p>remainder [3] - 1214:2, 1221:24, 1313:7</p> <p>remaining [2] - 1187:20, 1187:21</p> <p>remark [1] - 1311:20</p> <p>remarks [2] - 1311:13, 1312:1</p> <p>remember [50] - 1187:1, 1188:5, 1189:13, 1189:20, 1189:22, 1191:25, 1197:17, 1201:22, 1204:16, 1209:10, 1209:22, 1212:13, 1212:19, 1213:4, 1213:5, 1242:14, 1243:2, 1244:12, 1245:12, 1245:15, 1251:2, 1286:25, 1287:14, 1293:23, 1298:1, 1298:11, 1299:21, 1300:16, 1303:9, 1303:12, 1308:11, 1310:19, 1311:22, 1312:8, 1312:25, 1313:24, 1315:8, 1315:10, 1318:22, 1319:3, 1321:5, 1323:9, 1338:8, 1359:19, 1359:24, 1360:2, 1361:16, 1364:10, 1365:16, 1366:1</p> <p>remembered [2] - 1245:22, 1245:23</p> <p>remind [1] - 1268:15</p> <p>repaid [1] - 1216:8</p> <p>repay [1] - 1213:2</p> <p>repeat [11] - 1187:15, 1195:11, 1207:8, 1216:14, 1240:2, 1245:2, 1246:6, 1253:8, 1321:22, 1336:19, 1346:10</p> <p>repeated [2] -</p>
---	--	--	--	--

<p>1248:21, 1371:22 repeating [1] - 1203:22 repetition [2] - 1371:15, 1371:21 rephrase [4] - 1279:21, 1300:8, 1314:18, 1351:8 reply [4] - 1311:15, 1311:24, 1312:12, 1313:5 report [2] - 1190:20, 1370:6 Reporter [1] - 1181:7 reporter [1] - 1216:16 repossessed [1] - 1293:25 represent [6] - 1269:13, 1277:24, 1278:3, 1279:8, 1282:25, 1357:11 representation [15] - 1248:21, 1259:17, 1273:23, 1279:10, 1279:13, 1279:17, 1282:16, 1283:3, 1283:6, 1283:9, 1283:12, 1288:18, 1297:16, 1297:17, 1298:3 representations [10] - 1245:13, 1245:24, 1246:11, 1247:5, 1257:7, 1259:4, 1261:11, 1263:9, 1263:15, 1306:10 represented [7] - 1243:9, 1277:13, 1281:10, 1296:25, 1322:15, 1337:3, 1337:7 representing [6] - 1281:20, 1282:5, 1282:7, 1282:12, 1304:12, 1364:17 request [1] - 1183:11 requesting [1] - 1320:21 requires [1] - 1282:16 residence [1] - 1216:4 residing [1] - 1297:5 resolve [1] - 1285:9 resources [1] - 1370:17 respect [24] - 1268:17, 1268:18, 1268:22, 1269:1, 1269:7, 1269:9, 1272:2, 1273:22, 1274:9, 1274:11, 1283:25,</p>	<p>1305:18, 1305:25, 1306:1, 1306:3, 1306:5, 1306:20, 1306:24, 1307:1, 1307:3, 1307:5, 1307:7, 1308:2, 1337:7 respects [1] - 1300:18 respond [9] - 1290:8, 1291:10, 1292:11, 1293:2, 1294:6, 1295:9, 1295:24, 1312:5, 1312:15 responding [2] - 1308:12, 1313:25 response [3] - 1260:12, 1311:19, 1335:6 responses [1] - 1261:12 responsibility [1] - 1239:2 responsible [1] - 1273:20 rest [3] - 1214:21, 1221:25, 1282:4 resting [1] - 1334:19 result [3] - 1216:13, 1295:16, 1357:2 resumes [2] - 1185:4, 1203:9 retained [2] - 1192:14, 1364:15 retake [1] - 1185:3 retired [3] - 1197:5, 1258:6, 1333:17 review [8] - 1193:23, 1194:2, 1194:15, 1216:1, 1239:11, 1288:24, 1307:16, 1307:19 reviewed [12] - 1209:25, 1216:3, 1242:19, 1259:11, 1271:18, 1271:19, 1273:13, 1288:15, 1296:13, 1296:14, 1308:4 Ricardo [1] - 1369:23 Ricardo's [1] - 1270:25 ricardo's [1] - 1271:4 RICHARD [1] - 1180:23 Richard [3] - 1182:1, 1196:19, 1197:1 Richards [13] - 1227:17, 1287:9, 1287:16, 1287:22, 1337:3, 1337:8,</p>	<p>1337:10, 1337:15, 1337:18, 1337:21, 1344:19, 1351:13, 1369:24 Richards' [10] - 1285:8, 1303:18, 1303:20, 1303:24, 1336:25, 1340:8, 1341:12, 1341:17, 1351:3, 1359:2 rise [6] - 1181:13, 1185:5, 1203:12, 1275:3, 1275:15, 1336:11 Rizzi [12] - 1214:6, 1240:7, 1242:16, 1318:21, 1338:22, 1339:6, 1339:18, 1341:23, 1350:22, 1352:11, 1357:19, 1361:17 RMR [1] - 1181:7 Road [1] - 1181:1 Rob [1] - 1191:10 ROBERT [1] - 1181:3 Robert [5] - 1182:4, 1191:5, 1193:6, 1194:6, 1242:16 Rodriguez [3] - 1276:24, 1276:25, 1289:22 role [7] - 1199:7, 1199:14, 1200:5, 1203:20, 1228:23, 1259:7, 1346:19 rolled [1] - 1363:6 Romanowski [1] - 1194:5 Romanowski [1] - 1189:17 Ron [7] - 1227:17, 1285:8, 1303:18, 1303:20, 1303:24, 1340:8, 1351:13 Ronald [3] - 1287:9, 1287:16, 1287:22 RONALD [1] - 1181:7 ronald_tolkin@nyed .uscourts.gov [1] - 1181:9 room [2] - 1183:7, 1368:15 RPR [1] - 1181:7 rule [1] - 1235:9 rules [2] - 1260:6, 1304:4 ruling [3] - 1270:9, 1306:1, 1360:21 run [3] - 1230:17, 1255:4, 1310:17</p>	<p>running [1] - 1233:4 rush [1] - 1339:24 RUSSO [42] - 1258:12, 1259:3, 1259:14, 1259:21, 1260:11, 1260:23, 1261:24, 1264:4, 1265:10, 1265:13, 1265:23, 1267:5, 1267:13, 1268:3, 1268:9, 1268:13, 1269:4, 1269:11, 1269:25, 1270:5, 1272:12, 1273:4, 1274:19, 1274:21, 1331:1, 1333:13, 1333:19, 1335:10, 1335:15, 1335:17, 1336:3, 1336:15, 1336:16, 1339:24, 1340:2, 1344:22, 1348:23, 1349:4, 1351:8, 1352:21, 1353:5, 1353:10 Russo [6] - 1258:22, 1258:25, 1266:19, 1271:16, 1333:23, 1336:14</p>	<p>Scottsdale [4] - 1290:11, 1290:18, 1294:9, 1294:24 screaming [1] - 1228:17 screen [4] - 1217:22, 1279:4, 1285:10, 1286:13 Sealed [2] - 1183:1, 1183:16 sealed [1] - 1183:14 seat [1] - 1307:15 seated [14] - 1181:14, 1185:7, 1203:13, 1258:8, 1267:21, 1275:4, 1275:18, 1276:13, 1305:17, 1311:3, 1333:20, 1336:13, 1368:17, 1369:8 second [12] - 1197:21, 1209:7, 1218:24, 1220:10, 1244:9, 1244:10, 1253:11, 1268:25, 1324:5, 1326:22, 1331:23, 1353:5 section [1] - 1209:24 secure [11] - 1188:20, 1199:24, 1200:15, 1200:20, 1200:23, 1201:3, 1201:23, 1202:8, 1205:18, 1208:8, 1209:2 secured [4] - 1206:17, 1206:19, 1207:20, 1237:14 see [56] - 1202:14, 1205:12, 1218:7, 1218:8, 1218:14, 1218:16, 1218:24, 1219:1, 1219:19, 1220:13, 1223:9, 1223:13, 1224:16, 1227:8, 1241:6, 1248:18, 1253:14, 1256:19, 1268:14, 1269:23, 1270:4, 1274:20, 1277:16, 1300:8, 1314:18, 1318:4, 1321:13, 1323:5, 1325:4, 1325:9, 1325:15, 1325:25, 1326:24, 1327:10, 1328:10, 1328:21, 1329:1, 1329:3, 1329:5, 1329:14, 1329:16, 1329:23, 1331:3, 1331:25, 1334:19,</p>
--	---	--	--	--

1340:15, 1345:25, 1348:11, 1354:4, 1361:16, 1368:7, 1368:8, 1368:12, 1370:25, 1372:2 seeing [5] - 1194:10, 1199:19, 1225:2, 1320:19, 1321:2 seeking [7] - 1205:3, 1305:19, 1346:3, 1355:25, 1363:8, 1365:5, 1365:8 seem [2] - 1198:18, 1328:16 segregate [1] - 1304:13 selling [1] - 1197:5 send [2] - 1246:13, 1337:17 sense [2] - 1272:13, 1292:2 sent [30] - 1192:21, 1208:4, 1210:11, 1214:7, 1214:18, 1215:1, 1215:6, 1216:4, 1221:21, 1222:6, 1222:20, 1238:11, 1242:10, 1242:12, 1246:13, 1247:2, 1318:16, 1319:19, 1322:3, 1325:17, 1332:12, 1336:24, 1336:25, 1337:16, 1337:20, 1341:10, 1342:5, 1344:11, 1353:12, 1354:12 separate [6] - 1269:14, 1282:16, 1282:18, 1295:13, 1304:12, 1342:21 separated [1] - 1295:11 September [2] - 1212:14, 1213:1 series [4] - 1193:24, 1248:22, 1249:17, 1301:2 served [1] - 1298:17 service [1] - 1369:12 services [3] - 1188:20, 1192:5, 1282:21 SESSION [1] - 1275:1 set [3] - 1289:17, 1353:21, 1354:2 Settlement [13] - 1226:14, 1226:16, 1226:20, 1233:23, 1261:9, 1261:10, 1262:4, 1262:11,	1262:15, 1262:20, 1263:1, 1265:25, 1285:4 settlement [1] - 1272:15 seven [1] - 1340:15 several [2] - 1194:23, 1271:20 shaking [1] - 1342:3 share [2] - 1264:13, 1365:15 shareholders [2] - 1282:8, 1282:13 shares [1] - 1366:16 sheet [4] - 1308:18, 1327:4, 1327:6, 1327:7 shift [2] - 1264:20, 1269:17 shifting [1] - 1266:1 shit [1] - 1311:15 short [3] - 1318:11, 1334:14, 1371:18 shortly [1] - 1351:2 show [23] - 1205:6, 1207:1, 1223:7, 1224:13, 1251:4, 1256:3, 1264:7, 1265:7, 1271:7, 1271:11, 1271:23, 1272:8, 1272:16, 1278:5, 1322:10, 1328:4, 1328:25, 1338:2, 1339:22, 1343:24, 1352:12, 1360:5, 1360:6 showed [11] - 1189:25, 1192:19, 1204:7, 1225:22, 1243:17, 1243:19, 1251:2, 1252:1, 1300:12, 1312:18, 1333:7 showing [5] - 1224:21, 1241:6, 1255:3, 1273:11, 1284:1 shown [1] - 1332:16 shows [4] - 1218:4, 1262:9, 1262:13, 1265:23 shuffling [1] - 1369:20 side [17] - 1182:9, 1182:11, 1183:6, 1183:14, 1184:13, 1228:25, 1229:8, 1279:19, 1279:23, 1280:10, 1281:9, 1284:15, 1284:16, 1285:16, 1301:10,	1340:14 Side [3] - 1280:1, 1285:1, 1302:1 side-bar [12] - 1182:9, 1182:11, 1183:6, 1183:14, 1184:13, 1279:19, 1279:23, 1280:10, 1284:15, 1284:16, 1285:16, 1301:10 Side-bar [3] - 1280:1, 1285:1, 1302:1 sidebar [4] - 1233:1, 1255:1, 1257:1, 1310:1 Sidebar [3] - 1183:1, 1183:16, 1184:1 sides [2] - 1229:3, 1229:7 sign [3] - 1361:7, 1363:25, 1364:2 signature [2] - 1278:16, 1278:21 signed [7] - 1242:22, 1242:25, 1278:14, 1278:16, 1279:13, 1322:11, 1350:7 significant [1] - 1364:22 signify [1] - 1340:17 signing [2] - 1242:15, 1244:15 Silver [3] - 1270:21 similar [3] - 1305:24, 1335:4, 1341:4 similarly [1] - 1264:24 simple [1] - 1293:23 simply [2] - 1334:1, 1371:11 simultaneous [1] - 1301:3 sit [4] - 1194:10, 1195:22, 1197:13, 1208:25 sitting [3] - 1222:2, 1334:23, 1335:8 situation [1] - 1230:2 six [1] - 1227:25 skip [1] - 1235:12 slipping [1] - 1334:18 slower [1] - 1368:5 slowly [1] - 1368:4 snippet [1] - 1308:3 snippets [2] - 1273:21, 1310:14 so-called [2] - 1192:19, 1319:18 so.. [2] - 1194:12, 1291:14 software [2] - 1284:4	sold [4] - 1215:19, 1239:12, 1291:11, 1293:19 someone [2] - 1208:3, 1366:17 sometime [9] - 1199:11, 1199:13, 1238:8, 1250:19, 1250:22, 1279:12, 1292:4, 1324:2, 1327:21 sometimes [4] - 1291:12, 1304:1, 1321:20, 1371:2 somewhere [5] - 1191:13, 1206:7, 1214:1, 1217:7, 1220:16 sorry [21] - 1188:9, 1198:18, 1199:9, 1203:21, 1211:15, 1213:8, 1214:9, 1228:15, 1229:22, 1240:2, 1242:2, 1257:14, 1300:22, 1321:20, 1325:11, 1327:5, 1327:8, 1340:15, 1341:12, 1345:3, 1358:2 sort [2] - 1260:19, 1305:2 sought [5] - 1187:1, 1188:12, 1195:8, 1264:19, 1305:24 sound [2] - 1266:15, 1266:16 sounds [2] - 1266:17, 1298:11 source [1] - 1370:16 speakerphone [1] - 1366:11 speaking [2] - 1232:7, 1307:21 spearheading [1] - 1187:14 specific [4] - 1302:2, 1304:11, 1366:6, 1366:15 specifically [1] - 1300:14 speculate [1] - 1286:11 speculating [1] - 1367:15 spell [1] - 1291:19 Spend [2] - 1359:24, 1361:1 spending [2] - 1291:13, 1335:1 spent [1] - 1366:17	spoken [1] - 1259:16 sponsorship [6] - 1271:5, 1271:10, 1281:12, 1281:13, 1281:15, 1291:12 spreadsheet [1] - 1319:11 spreadsheets [1] - 1199:22 Square [1] - 1180:21 stage [3] - 1268:25, 1334:18, 1371:8 stand [9] - 1185:3, 1185:4, 1203:9, 1314:2, 1334:16, 1334:22, 1334:25, 1335:4, 1371:6 start [3] - 1185:12, 1270:5, 1292:12 started [1] - 1213:3 starting [5] - 1199:19, 1270:23, 1286:21, 1290:6, 1291:7 state [9] - 1181:17, 1233:21, 1233:22, 1261:21, 1276:11, 1305:23, 1306:5, 1306:23, 1307:1 statement [12] - 1207:17, 1245:17, 1247:11, 1257:3, 1258:23, 1300:11, 1300:13, 1326:7, 1327:12, 1328:6, 1328:10, 1357:14 statements [6] - 1207:2, 1261:16, 1310:4, 1310:7, 1310:8 states [1] - 1331:14 STATES [2] - 1180:1, 1180:3 States [6] - 1180:12, 1180:16, 1181:15, 1181:20, 1181:23, 1191:14 statue [1] - 1333:25 status [2] - 1201:14, 1231:12 steal [5] - 1229:21, 1261:1, 1261:10, 1265:4, 1266:7 stealing [1] - 1274:15 step [3] - 1258:20, 1305:10, 1368:18 steps [3] - 1189:2, 1258:24, 1305:12 Steve [1] - 1270:20 stick [1] - 1361:24 still [15] - 1185:17,
--	--	--	--	--

1216:17, 1221:8, 1221:12, 1221:20, 1221:22, 1222:3, 1222:7, 1222:20, 1234:5, 1268:7, 1272:24, 1323:20, 1348:13, 1368:23 stipulation [1] - 1326:9 Stober [9] - 1361:4, 1361:13, 1362:9, 1362:15, 1362:16, 1362:18, 1362:21, 1364:15, 1364:20 stolen [8] - 1229:20, 1229:23, 1230:13, 1236:12, 1257:3, 1257:8, 1313:21, 1314:20 Stolper [7] - 1318:19, 1319:5, 1320:6, 1320:8, 1320:20, 1320:24, 1321:6 stomach [1] - 1184:3 stood [2] - 1228:19, 1237:13 stopped [1] - 1258:19 straights [1] - 1249:3 Strangford [1] - 1181:4 strategic [1] - 1362:9 stricken [1] - 1233:6 strong [1] - 1273:7 sub [2] - 1294:17, 1304:13 subject [5] - 1226:13, 1268:2, 1272:13, 1273:5, 1299:13 subpoena [2] - 1299:4, 1299:10 substance [2] - 1292:14, 1321:5 substantial [3] - 1307:20, 1347:1, 1365:1 substantially [2] - 1274:7, 1307:2 success [2] - 1237:3, 1248:22 succession [1] - 1366:11 sudden [1] - 1246:22 sue [2] - 1283:10 sued [2] - 1345:19, 1345:21 Suffolk [1] - 1180:21 suggest [1] - 1274:8 suggested [1] - 1296:8 suit [12] - 1261:8,	1297:9, 1315:3, 1318:18, 1319:1, 1319:3, 1319:8, 1337:7, 1361:17, 1361:19, 1361:23, 1362:7 Suite [2] - 1180:22, 1181:2 suits [1] - 1303:5 sum [2] - 1192:16, 1321:5 summarized [1] - 1264:11 summation [5] - 1334:2, 1334:6, 1334:11, 1335:13, 1335:21 summations [1] - 1333:24 supplement [1] - 1257:2 supplied [1] - 1349:24 support [1] - 1202:1 supporting [1] - 1259:4 supposed [5] - 1210:20, 1210:24, 1263:22, 1264:3, 1357:10 surprise [1] - 1362:7 surprised [1] - 1263:12 sustain [1] - 1213:20 Sustained [1] - 1348:22 sustained [29] - 1192:25, 1202:6, 1205:25, 1208:21, 1212:9, 1212:24, 1221:11, 1222:14, 1226:23, 1229:17, 1246:25, 1248:6, 1264:20, 1300:2, 1305:3, 1314:4, 1328:2, 1331:15, 1332:10, 1332:15, 1333:11, 1347:21, 1348:2, 1350:16, 1359:17, 1363:17, 1365:4, 1365:7, 1367:20 sustaining [2] - 1305:19, 1307:6 sweepstakes [1] - 1349:25 swore [1] - 1242:21 sworn [4] - 1185:22, 1276:5, 1276:9, 1307:12 Sydor [1] - 1369:24	T T.R [1] - 1240:4 tailored [1] - 1233:9 talks [2] - 1259:24, 1355:13 tangential [1] - 1335:3 tape [29] - 1233:13, 1234:9, 1235:7, 1235:10, 1258:10, 1260:8, 1260:12, 1260:13, 1260:17, 1260:20, 1266:10, 1266:13, 1266:14, 1266:17, 1267:6, 1267:8, 1267:12, 1267:14, 1307:7, 1308:5, 1308:8, 1308:19, 1310:21, 1311:22, 1312:3, 1313:10 Tape [2] - 1258:18, 1258:19 taped [2] - 1311:10, 1311:12 tax [2] - 1354:21, 1355:10 team [1] - 1281:5 telephone [1] - 1339:10 telephonically [2] - 1297:15, 1297:18 ten [1] - 1211:25 term [4] - 1248:22, 1349:20, 1358:3, 1358:5 terms [7] - 1207:3, 1215:13, 1215:16, 1216:18, 1273:12, 1273:15, 1279:7 Tesoriero [1] - 1214:7 testified [42] - 1185:22, 1186:6, 1186:8, 1187:24, 1198:15, 1199:11, 1206:1, 1206:2, 1206:6, 1211:4, 1211:22, 1213:22, 1213:24, 1214:3, 1221:12, 1236:18, 1238:13, 1239:7, 1244:22, 1246:7, 1247:2, 1247:14, 1249:15, 1249:24, 1276:9, 1295:15, 1296:25, 1307:12, 1313:13, 1315:2, 1321:15, 1324:2, 1333:2, 1336:24, 1338:21, 1344:3,	1347:16, 1347:22, 1351:17, 1359:18, 1365:7, 1365:14 testify [2] - 1190:19, 1240:20 testifying [6] - 1199:5, 1208:22, 1220:1, 1272:23, 1313:24, 1316:1 testimony [36] - 1193:5, 1193:8, 1197:8, 1197:15, 1206:14, 1210:14, 1217:1, 1217:7, 1220:15, 1232:3, 1233:9, 1233:17, 1236:11, 1236:17, 1237:13, 1238:7, 1239:11, 1243:21, 1243:24, 1246:4, 1249:5, 1249:16, 1250:11, 1259:5, 1259:8, 1296:14, 1313:20, 1314:19, 1318:8, 1335:7, 1336:20, 1341:20, 1346:11, 1352:6, 1357:10, 1363:18 texted [1] - 1370:1 THE [251] - 1181:13, 1181:14, 1181:15, 1181:21, 1181:24, 1182:2, 1182:5, 1182:10, 1183:14, 1184:2, 1184:8, 1185:2, 1185:5, 1185:7, 1185:10, 1185:19, 1185:23, 1192:25, 1193:15, 1193:20, 1202:6, 1202:12, 1203:1, 1203:3, 1203:7, 1203:12, 1203:13, 1205:9, 1205:25, 1206:21, 1208:21, 1211:14, 1212:9, 1212:24, 1213:12, 1213:20, 1221:5, 1221:11, 1221:19, 1222:14, 1224:24, 1225:1, 1225:3, 1225:5, 1225:6, 1226:23, 1227:5, 1229:17, 1230:7, 1231:4, 1231:22, 1232:20, 1233:7, 1233:11, 1233:24, 1234:6, 1234:18, 1235:2, 1235:12, 1235:16, 1236:2,	1240:22, 1241:15, 1244:14, 1244:20, 1245:19, 1246:25, 1248:6, 1249:7, 1249:8, 1249:10, 1249:11, 1250:9, 1254:8, 1255:6, 1256:18, 1256:21, 1256:24, 1257:9, 1257:13, 1258:3, 1258:8, 1258:17, 1258:20, 1258:25, 1259:10, 1259:19, 1260:5, 1260:15, 1261:14, 1263:12, 1265:6, 1265:12, 1265:15, 1266:8, 1266:12, 1266:15, 1266:16, 1266:17, 1266:19, 1266:23, 1266:25, 1267:2, 1267:4, 1267:11, 1267:14, 1267:16, 1267:17, 1267:21, 1268:7, 1268:11, 1268:14, 1268:20, 1269:23, 1270:3, 1270:10, 1270:14, 1270:18, 1270:24, 1271:3, 1271:16, 1273:1, 1273:10, 1274:20, 1275:3, 1275:4, 1275:8, 1275:14, 1275:15, 1275:18, 1276:4, 1276:6, 1276:11, 1276:12, 1276:13, 1277:23, 1279:2, 1280:8, 1285:6, 1285:10, 1286:2, 1286:4, 1286:7, 1288:10, 1288:12, 1289:12, 1289:17, 1296:18, 1298:25, 1300:2, 1300:6, 1300:10, 1300:21, 1300:22, 1300:23, 1300:25, 1301:9, 1302:5, 1305:3, 1305:10, 1305:13, 1305:17, 1307:15, 1307:18, 1307:19, 1307:22, 1307:23, 1307:24, 1307:25, 1308:14, 1308:17, 1308:22, 1309:3, 1309:5, 1310:11, 1310:22, 1311:3, 1314:4, 1314:11, 1316:19, 1316:24, 1317:2, 1317:6,
--	--	---	--	---

<p>1323:8, 1324:11, 1326:10, 1326:12, 1326:15, 1326:19, 1327:6, 1328:2, 1331:15, 1332:10, 1332:15, 1333:11, 1333:15, 1333:20, 1333:23, 1334:21, 1335:12, 1335:16, 1335:18, 1335:22, 1335:24, 1336:2, 1336:6, 1336:8, 1336:10, 1336:11, 1336:13, 1337:13, 1340:1, 1342:12, 1344:25, 1345:2, 1345:5, 1347:21, 1348:2, 1348:22, 1349:19, 1349:22, 1350:16, 1351:19, 1352:24, 1353:2, 1353:9, 1358:1, 1358:9, 1358:20, 1358:23, 1359:17, 1360:21, 1362:14, 1363:17, 1365:4, 1365:7, 1365:12, 1367:3, 1367:20, 1368:2, 1368:15, 1368:20, 1368:22, 1369:6, 1369:8, 1369:17, 1370:12, 1370:18, 1370:21, 1371:16, 1371:20</p> <p>theft [1] - 1262:18</p> <p>themselves [2] - 1264:10, 1332:8</p> <p>then-wife [1] - 1264:17</p> <p>Theodore [1] - 1242:16</p> <p>theory [1] - 1266:3</p> <p>thereafter [3] - 1219:10, 1249:20, 1249:22</p> <p>they've [2] - 1265:2, 1293:15</p> <p>thief [18] - 1230:5, 1231:19, 1231:25, 1232:4, 1233:9, 1233:14, 1259:2, 1259:13, 1259:23, 1260:2, 1260:10, 1263:8, 1266:5, 1266:21, 1311:16, 1313:15, 1314:14</p> <p>thinking [2] - 1211:25, 1262:17</p> <p>thinks [5] - 1261:18, 1261:19, 1261:20,</p>	<p>1306:22</p> <p>third [6] - 1219:4, 1281:25, 1341:24, 1342:8, 1342:16, 1371:23</p> <p>thirds [2] - 1189:12, 1193:23</p> <p>thoroughly [1] - 1352:18</p> <p>thousand [4] - 1225:23, 1318:11, 1331:10, 1332:11</p> <p>three [24] - 1211:9, 1219:16, 1264:15, 1285:7, 1334:9, 1334:22, 1334:25, 1335:4, 1338:13, 1339:5, 1340:22, 1341:1, 1341:6, 1344:14, 1345:11, 1345:24, 1361:15, 1366:2, 1366:9, 1366:24, 1367:6, 1367:13, 1369:18, 1371:6</p> <p>Thursday [1] - 1370:4</p> <p>tied [1] - 1264:25</p> <p>Tim [1] - 1195:4</p> <p>time-to-time [1] - 1297:9</p> <p>Timothy [1] - 1197:18</p> <p>title [2] - 1199:25, 1200:1</p> <p>today [22] - 1183:10, 1184:5, 1195:22, 1197:13, 1198:15, 1199:5, 1203:4, 1208:22, 1208:25, 1220:2, 1222:7, 1243:13, 1275:22, 1277:16, 1288:25, 1293:4, 1293:6, 1315:22, 1323:16, 1334:17, 1336:9, 1367:25</p> <p>together [4] - 1199:20, 1352:2, 1355:23, 1356:3</p> <p>TOLKIN [1] - 1181:7</p> <p>TOMMY [1] - 1180:7</p> <p>Tommy [20] - 1180:8, 1181:1, 1202:3, 1209:12, 1209:16, 1242:17, 1277:14, 1278:10, 1279:8, 1281:21, 1282:2, 1282:5, 1282:8, 1282:15, 1283:25, 1290:9, 1292:9, 1294:11</p>	<p>took [10] - 1228:23, 1244:22, 1245:3, 1252:8, 1255:3, 1263:22, 1299:18, 1306:13, 1306:20, 1327:4</p> <p>top [2] - 1286:25, 1287:14</p> <p>topics [1] - 1371:24</p> <p>total [3] - 1216:12, 1340:20, 1340:23</p> <p>totaled [1] - 1248:11</p> <p>totaling [2] - 1221:23, 1320:10</p> <p>touch [2] - 1202:9, 1205:22</p> <p>town [1] - 1275:20</p> <p>TR [3] - 1339:6, 1340:24, 1352:10</p> <p>transaction [3] - 1224:18, 1224:20, 1269:20</p> <p>transactions [4] - 1240:6, 1251:22, 1261:2, 1284:6</p> <p>transcript [11] - 1271:18, 1273:14, 1273:24, 1289:3, 1292:7, 1292:16, 1294:3, 1295:1, 1300:7, 1305:1, 1310:3</p> <p>transfer [4] - 1214:15, 1272:14, 1338:7, 1342:23</p> <p>transferred [1] - 1323:14</p> <p>transfers [11] - 1219:16, 1221:15, 1241:8, 1241:23, 1251:6, 1251:13, 1253:13, 1253:20, 1323:3, 1337:20, 1338:3</p> <p>transmitted [2] - 1214:13, 1317:12</p> <p>transparency [1] - 1364:20</p> <p>travel [2] - 1291:13, 1297:25</p> <p>traveling [1] - 1297:9</p> <p>trial [8] - 1183:10, 1246:4, 1247:14, 1264:7, 1267:24, 1269:14, 1334:14, 1368:24</p> <p>trials [1] - 1370:2</p> <p>tried [5] - 1194:6, 1261:25, 1263:4, 1292:12, 1336:4</p>	<p>tries [1] - 1274:12</p> <p>trip [1] - 1296:8</p> <p>triple [1] - 1357:7</p> <p>Triple [2] - 1353:18, 1353:20</p> <p>truck [1] - 1195:21</p> <p>trucking [2] - 1195:18, 1195:20</p> <p>true [5] - 1233:16, 1245:10, 1245:17, 1253:16, 1326:9</p> <p>Trust [2] - 1224:11, 1354:15</p> <p>trust [5] - 1283:23, 1304:5, 1304:7, 1336:25, 1354:22</p> <p>trusted [1] - 1337:15</p> <p>trustee [1] - 1332:2</p> <p>truth [1] - 1257:5</p> <p>truthful [1] - 1359:14</p> <p>try [13] - 1188:16, 1192:8, 1200:23, 1221:8, 1223:9, 1228:21, 1230:1, 1309:4, 1336:8, 1345:19, 1356:3, 1360:10, 1363:20</p> <p>trying [36] - 1186:22, 1188:20, 1188:24, 1191:2, 1195:2, 1197:2, 1197:19, 1197:22, 1198:18, 1200:15, 1200:20, 1201:23, 1202:3, 1202:8, 1203:20, 1203:22, 1205:18, 1209:21, 1210:1, 1217:4, 1221:25, 1253:10, 1260:5, 1265:8, 1265:13, 1265:19, 1265:20, 1269:15, 1269:17, 1302:2, 1305:22, 1334:6, 1345:24, 1360:6, 1363:11, 1371:7</p> <p>Tuesday [2] - 1346:20, 1346:21</p> <p>tune [1] - 1209:12</p> <p>turn [9] - 1187:16, 1189:9, 1236:15, 1275:13, 1289:21, 1292:15, 1295:19, 1355:14, 1363:12</p> <p>turned [1] - 1215:17</p> <p>turning [7] - 1278:14, 1281:18, 1281:25, 1292:6, 1292:22, 1294:2, 1329:3</p> <p>twice [1] - 1316:24</p>	<p>two [33] - 1189:12, 1189:22, 1193:23, 1211:5, 1211:9, 1214:21, 1219:3, 1226:20, 1229:7, 1230:19, 1230:22, 1231:7, 1235:1, 1244:18, 1250:13, 1263:10, 1270:23, 1292:10, 1293:18, 1329:20, 1334:9, 1334:22, 1334:25, 1335:4, 1340:13, 1341:11, 1341:18, 1345:12, 1345:16, 1351:17, 1359:21, 1368:24, 1369:10</p> <p>two-thirds [2] - 1189:12, 1193:23</p> <p>type [2] - 1299:13, 1303:9</p> <p>typically [2] - 1299:2, 1299:11</p> <p>Tyson [2] - 1332:5, 1369:22</p>
				U
				<p>U.S [2] - 1180:4, 1180:18</p> <p>ultimately [1] - 1319:1</p> <p>unauthorized [4] - 1263:18, 1272:24, 1306:11, 1306:12</p> <p>unaware [1] - 1216:17</p> <p>under [7] - 1185:17, 1220:11, 1242:15, 1274:5, 1290:2, 1304:4, 1365:20</p> <p>undermine [1] - 1265:20</p> <p>underneath [1] - 1218:19</p> <p>understood [2] - 1350:12, 1362:3</p> <p>unfair [2] - 1274:14, 1307:2</p> <p>unfortunately [1] - 1291:24</p> <p>unhappy [1] - 1368:25</p> <p>UNITED [2] - 1180:1, 1180:3</p> <p>united [1] - 1180:12</p> <p>United [5] - 1180:16, 1181:15, 1181:20, 1181:23, 1191:14</p> <p>unparalleled [1] - 1237:3</p> <p>unredacted [3] - 1268:14, 1269:23,</p>

1270:1 unsure [2] - 1216:21, 1267:2 unusual [1] - 1297:19 up [37] - 1186:7, 1187:25, 1195:12, 1199:9, 1199:13, 1201:16, 1204:16, 1208:11, 1209:1, 1224:15, 1228:19, 1230:2, 1252:20, 1267:3, 1276:14, 1286:13, 1296:12, 1300:16, 1323:16, 1325:12, 1329:16, 1330:1, 1333:25, 1338:22, 1353:21, 1354:2, 1355:20, 1363:6, 1366:9, 1366:10, 1368:6, 1368:7, 1369:18, 1370:11, 1371:10, 1371:12, 1372:1 update [1] - 1201:14 upper [2] - 1224:15, 1352:5 ups [2] - 1370:6 urge [1] - 1370:23 urgent [2] - 1346:17, 1346:18 usage [1] - 1346:17 utilize [1] - 1274:16 utilizing [1] - 1186:17	verge [1] - 1237:2 verify [1] - 1194:9 version [5] - 1234:3, 1268:14, 1269:23, 1285:9, 1285:11 versus [2] - 1181:16, 1273:24 Veterans [1] - 1180:22 viable [2] - 1199:20, 1245:8 victim [2] - 1269:10, 1334:5 victimize [1] - 1264:23 victims [4] - 1263:10, 1264:16, 1264:21, 1265:18 view [2] - 1234:5, 1371:14 Vincent [2] - 1214:6, 1214:18 virtue [1] - 1335:7 virus [1] - 1184:4 Visa [1] - 1359:20 vitae [1] - 1370:6 voice [6] - 1266:14, 1266:16, 1266:24, 1267:1, 1276:13, 1321:21 Volpe [6] - 1363:7, 1363:10, 1363:19, 1363:22, 1363:23, 1364:2 vs [1] - 1242:16	1368:4, 1368:5, 1368:6, 1368:7, 1368:11, 1368:25, 1370:3, 1370:4 weekly [1] - 1201:9 weeks [3] - 1270:23, 1334:23, 1344:14 WEINBLATT [1] - 1180:21 wether [1] - 1371:3 whole [4] - 1267:8, 1267:12, 1267:14 wife [1] - 1264:17 William [1] - 1369:25 winded [1] - 1335:5 wire [25] - 1210:18, 1210:20, 1214:14, 1219:4, 1219:10, 1219:16, 1220:12, 1238:24, 1241:8, 1241:22, 1251:5, 1251:12, 1253:13, 1272:14, 1322:16, 1323:3, 1324:6, 1329:10, 1331:10, 1337:20, 1337:24, 1338:3, 1340:20, 1341:2, 1341:3 wired [7] - 1214:23, 1244:25, 1247:8, 1303:23, 1344:17, 1351:3, 1351:7 wires [3] - 1214:18, 1217:12, 1242:5 wiring [4] - 1239:2, 1245:3, 1340:5, 1359:2 wish [1] - 1234:13 wishes [1] - 1270:15 withdraw [18] - 1196:24, 1197:12, 1197:15, 1197:23, 1211:15, 1222:15, 1232:6, 1242:25, 1245:5, 1247:25, 1249:15, 1251:18, 1313:14, 1320:7, 1325:4, 1348:23, 1349:4, 1364:24 withdrawn [5] - 1198:4, 1202:10, 1213:9, 1232:2, 1366:1 witness [36] - 1185:3, 1185:21, 1190:12, 1190:23, 1203:9, 1234:2, 1258:24, 1266:11, 1267:20, 1270:16, 1275:5, 1275:13, 1275:19,	1275:20, 1276:1, 1276:8, 1280:6, 1286:14, 1288:10, 1305:12, 1306:1, 1307:11, 1333:24, 1333:25, 1334:3, 1334:6, 1334:7, 1334:10, 1334:21, 1334:24, 1335:2, 1335:3, 1335:5, 1335:7, 1371:1, 1371:13 Witness [5] - 1185:4, 1203:9, 1276:5, 1333:22, 1368:21 WITNESS [21] - 1185:19, 1225:1, 1225:5, 1249:8, 1249:11, 1266:15, 1266:17, 1266:23, 1267:2, 1267:16, 1276:6, 1276:12, 1288:12, 1300:22, 1300:25, 1307:18, 1307:22, 1307:24, 1336:10, 1349:22, 1368:20 witnesses [9] - 1190:10, 1190:16, 1272:23, 1275:24, 1334:11, 1334:15, 1370:15, 1371:4, 1371:6 wonder [1] - 1311:15 word [9] - 1198:1, 1198:5, 1200:17, 1232:3, 1280:7, 1318:15, 1350:1, 1353:17, 1363:21 words [7] - 1228:10, 1228:11, 1232:1, 1232:2, 1313:14, 1313:15, 1313:17 worry [2] - 1234:18, 1234:20 worth [2] - 1253:1, 1292:1 wrestling [1] - 1235:5 wrist [1] - 1183:4 writ [1] - 1298:16 write [2] - 1251:23, 1320:21 writes [1] - 1356:2 writing [5] - 1194:11, 1251:24, 1261:25, 1340:17, 1352:10 written [5] - 1245:21, 1246:16, 1246:17, 1247:20, 1319:10 wrongdoing [1] -	1234:8 wrote [7] - 1241:8, 1242:1, 1251:23, 1316:3, 1326:23, 1340:23, 1342:5
V	W			Y
vacuum [1] - 1269:12 vague [1] - 1303:7 valid [2] - 1290:13, 1290:14 validates [1] - 1259:22 validating [1] - 1263:1 validation [1] - 1259:23 validity [2] - 1232:16, 1262:20 valuable [3] - 1237:2, 1304:24, 1305:6 value [6] - 1230:18, 1274:6, 1306:6, 1306:16, 1307:1, 1307:2 various [8] - 1199:23, 1242:12, 1251:16, 1271:24, 1273:18, 1274:13, 1295:9, 1371:24 ventures [1] - 1323:24 Ventures [2] - 1218:1, 1223:8	wages [2] - 1298:14 Waikapuna [18] - 1204:2, 1204:10, 1204:13, 1204:24, 1205:14, 1205:20, 1206:23, 1206:24, 1207:4, 1207:6, 1207:9, 1207:11, 1207:25, 1208:8, 1208:12, 1208:23, 1209:3, 1209:11 wait [1] - 1300:24 waiting [1] - 1353:5 waive [1] - 1302:4 walk [1] - 1281:18 wants [2] - 1258:22, 1308:18 waste [1] - 1236:3 water [2] - 1353:7, 1353:8 Wednesday [1] - 1370:4 week [12] - 1275:21, 1334:20, 1368:3,	1368:4, 1368:5, 1368:6, 1368:7, 1368:11, 1368:25, 1370:3, 1370:4 weekly [1] - 1201:9 weeks [3] - 1270:23, 1334:23, 1344:14 WEINBLATT [1] - 1180:21 wether [1] - 1371:3 whole [4] - 1267:8, 1267:12, 1267:14 wife [1] - 1264:17 William [1] - 1369:25 winded [1] - 1335:5 wire [25] - 1210:18, 1210:20, 1214:14, 1219:4, 1219:10, 1219:16, 1220:12, 1238:24, 1241:8, 1241:22, 1251:5, 1251:12, 1253:13, 1272:14, 1322:16, 1323:3, 1324:6, 1329:10, 1331:10, 1337:20, 1337:24, 1338:3, 1340:20, 1341:2, 1341:3 wired [7] - 1214:23, 1244:25, 1247:8, 1303:23, 1344:17, 1351:3, 1351:7 wires [3] - 1214:18, 1217:12, 1242:5 wiring [4] - 1239:2, 1245:3, 1340:5, 1359:2 wish [1] - 1234:13 wishes [1] - 1270:15 withdraw [18] - 1196:24, 1197:12, 1197:15, 1197:23, 1211:15, 1222:15, 1232:6, 1242:25, 1245:5, 1247:25, 1249:15, 1251:18, 1313:14, 1320:7, 1325:4, 1348:23, 1349:4, 1364:24 withdrawn [5] - 1198:4, 1202:10, 1213:9, 1232:2, 1366:1 witness [36] - 1185:3, 1185:21, 1190:12, 1190:23, 1203:9, 1234:2, 1258:24, 1266:11, 1267:20, 1270:16, 1275:5, 1275:13, 1275:19,	1275:20, 1276:1, 1276:8, 1280:6, 1286:14, 1288:10, 1305:12, 1306:1, 1307:11, 1333:24, 1333:25, 1334:3, 1334:6, 1334:7, 1334:10, 1334:21, 1334:24, 1335:2, 1335:3, 1335:5, 1335:7, 1371:1, 1371:13 Witness [5] - 1185:4, 1203:9, 1276:5, 1333:22, 1368:21 WITNESS [21] - 1185:19, 1225:1, 1225:5, 1249:8, 1249:11, 1266:15, 1266:17, 1266:23, 1267:2, 1267:16, 1276:6, 1276:12, 1288:12, 1300:22, 1300:25, 1307:18, 1307:22, 1307:24, 1336:10, 1349:22, 1368:20 witnesses [9] - 1190:10, 1190:16, 1272:23, 1275:24, 1334:11, 1334:15, 1370:15, 1371:4, 1371:6 wonder [1] - 1311:15 word [9] - 1198:1, 1198:5, 1200:17, 1232:3, 1280:7, 1318:15, 1350:1, 1353:17, 1363:21 words [7] - 1228:10, 1228:11, 1232:1, 1232:2, 1313:14, 1313:15, 1313:17 worry [2] - 1234:18, 1234:20 worth [2] - 1253:1, 1292:1 wrestling [1] - 1235:5 wrist [1] - 1183:4 writ [1] - 1298:16 write [2] - 1251:23, 1320:21 writes [1] - 1356:2 writing [5] - 1194:11, 1251:24, 1261:25, 1340:17, 1352:10 written [5] - 1245:21, 1246:16, 1246:17, 1247:20, 1319:10 wrongdoing [1] -	1234:8 wrote [7] - 1241:8, 1242:1, 1251:23, 1316:3, 1326:23, 1340:23, 1342:5
				Z
				zero [2] - 1218:5, 1218:9